

FEDERAL REGISTER

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Washington, Tuesday, November 25, 1941

The President

EXECUTIVE ORDER

DIRECTING THE FEDERAL WORKS ADMINISTRATOR TO TAKE POSSESSION OF AND OPERATE A CERTAIN PROJECT OF THE GRAND RIVER DAM AUTHORITY

WHEREAS Grand River Dam Authority of Vinita, Oklahoma, is the holder of a license (Project No. 1494) under the Federal Power Act (41 Stat. 1063) and is constructing, maintaining and operating a project (as defined in said Act) under such license in the State of Oklahoma; and

WHEREAS, in my opinion, the safety of the United States demands that the United States enter upon and take possession of such project for the purposes and time, and upon the conditions hereinafter stated; and

WHEREAS I have, simultaneously with this order, issued an order addressed to Grand River Dam Authority, reading as follows:

**TO: GRAND RIVER DAM AUTHORITY,
VINITA, OKLAHOMA**

Pursuant to section 16 of the Federal Power Act, I hereby order and direct that the project now being constructed, maintained, and operated by you in the State of Oklahoma under a license (Project No. 1494) held by you under the Federal Power Act, be surrendered to, and entered upon, taken possession of, managed, and operated by the Federal Works Administrator, acting for and on behalf of the United States, through such person or persons as he may designate, for the reasons, the purposes, and the time, and upon the conditions set forth in the Executive Order issued by me simultaneously with this order, a copy of which Executive Order is attached as a part of this order.

NOW, THEREFORE, by virtue of the power vested in me by the Constitution and the statutes of the United States, and particularly by section 16 of the Federal Power Act, it is hereby ordered as follows:

1. The Federal Works Administrator, acting for and on behalf of the United States, through such person or persons as he may designate, is hereby authorized and directed immediately to enter upon, and take possession of, manage, and operate, the project above mentioned for the purpose of generating and supplying power for the manufacture of explosives or munitions of war or otherwise necessary to the safety and defense of the United States, and for other purposes involving the safety of the United States.

2. The Federal Works Administrator shall retain possession, management, and control of said project until such time as it shall appear to the President that further retention of the project by the United States is unnecessary for the accomplishment of the above-stated purposes, and, thereupon, shall restore possession and control of the project to the party or parties then entitled thereto.

3. The Federal Works Administrator shall pay just and fair compensation for the use of the property of the Authority as may be fixed by the Federal Power Commission upon the basis of a reasonable profit in time of peace, and shall also pay the cost of restoring the property to as good condition as existed at the time of the taking over thereof, less the reasonable value of any improvements that may be made by the United States and which are valuable and serviceable to the licensee.

4. The Federal Works Administrator may employ, without compliance with the requirements of the Civil Service Rules, such personnel as may be necessary to carry out the provisions of this order, and may exercise any existing contractual or other rights of the Authority, and take such other steps as may be necessary to carry out the provisions of this order.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
November 19, 1941.

[No. 8944]

[F. R. Doc. 41-8720; Filed, November 22, 1941;
10:04 a. m.]

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[Special Regulation, Civil Air Regulations]

PART 40—AIR CARRIER OPERATING CERTIFICATION

PART 61—SCHEDULED AIR CARRIER RULES

TEMPORARY ROUTE AUTHORIZATION DURING RCAF MANEUVERS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of November 1941.

It appearing that: (a) The Royal Canadian Air Force proposes extensive maneuvers to be held within a large area covering the southern portion of Ontario, Canada, beginning approximately November 10, 1941, for an undetermined period of time, which will jeopardize the safety of American air carrier aircraft operating within that area;

(b) The air carrier which is authorized to operate over this area may safely conduct scheduled operations along a suitable temporary alternate route;

(c) Parts 40 and 61 of the Civil Air Regulations prohibit air carriers from operating over such temporary alternate route unless route test flights have been made, and the pilots and aircraft dispatchers used have demonstrated route competency;

The board finds that: Its action is in the public interest and in the interest of safety of air transportation;

Now therefore, The Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601, and 604 of said Act, makes and promulgates the following Special Regulation:

Notwithstanding the provisions of Parts 40 and 61 of the Civil Air Regulations which deal with airway route requirements, pilot and aircraft dispatcher route competency, and the amending of air carrier operating certificates and competency letters, the schedule air carrier, which has been issued an air carrier operating certificate authorizing operations over the area in which the Royal Canadian Air Force is conducting maneuvers in the southern portion of Ontario, Canada, may conduct from November 21, 1941, to February 1, 1942, inclusive, scheduled day and night contact and instrument operations over such temporary route, with such facilities and personnel, in accordance with such procedures and practices established by the Administrator for this operation as the Administrator may deem sufficient to protect the safety of air transportation.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-8737; Filed, November 24, 1941;
9:35 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4270]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF FEDERAL SALES COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of candy or any other merchandise, (1) selling, etc., candy or any other merchandise so packed and assembled that sales thereof to the public are to be, or may be, made by means of a game of chance, gift enterprise or lottery scheme; (2) supplying, etc., others with assortments of candy, for ultimate sale to the public, composed of individually wrapped pieces of candy of uniform size and shape but of different colors, such colors being effectively concealed, together with articles of merchandise which are to be, or may be given as prizes to purchasers procuring pieces of said candy of a particular color; (3) supplying, etc., others with any device which is to be, or may be, used in the sale or distribution of respondent's candy or other merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; and (4) selling, etc., any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as

amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Federal Sales Company, Docket 4270, November 14, 1941]

In the Matter of John Shapiro, Individually and Trading as Federal Sales Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of November, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission (no answer having been filed by respondent), testimony and other evidence taken before Andrew B. Duvall, trial examiner of the Commission theretofore duly designated by it, in support of the allegations of the complaint (no testimony or other evidence being offered in opposition thereto), report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, John Shapiro, individually and trading as Federal Sales Company, or trading under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

- (1) Selling or distributing candy or any other merchandise so packed and assembled that sales of such candy or other merchandise to the public are to be made or may be made by means of a game of chance, gift enterprise or lottery scheme;
- (2) Supplying to or placing in the hands of others for ultimate sale to the public, assortments of candy composed of individually wrapped pieces of candy of uniform size and shape but of different colors, such colors being effectively concealed, together with articles of merchandise which are to be or may be given as prizes to purchasers procuring pieces of said candy of a particular color;
- (3) Supplying to or placing in the hands of others any device which is to be used or may be used in the sale or distribution of respondent's candy or other merchandise to the public by means of a game of chance, gift enterprise or lottery scheme;
- (4) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with

¹ 6 F. R. 2804.

the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8730; Filed, November 22, 1941;
11:29 a. m.]

[Docket No. 4417]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF MERCHANDISE SALES SYNDICATE

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of novelties and other merchandise, (1) selling, etc., novelties, or any merchandise, so packed or assembled that sales thereof to the public are to be, or may be, made by means of a game of chance, gift enterprise, or lottery scheme; (2) supplying, etc., others with push or pull cards, punch boards, or other lottery devices, either with assortments of novelties or other merchandise or separately, which said push or pull cards, punch boards, or other lottery devices are to be, or may be, used in selling or distributing said novelties or other merchandise to the public; and (3) selling, etc., any novelties or other merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Merchandise Sales Syndicate, Docket 4417, November 14, 1941]

In the Matter of Ewen Cameron, Individually and Trading as Merchandise Sales Syndicate

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 14th day of November, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner and exceptions thereto, briefs in support of the complaint and in opposition thereto, and oral arguments of counsel, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Ewen Cameron, an individual, trading as Merchandise Sales Syndicate, or under any other name, his representatives, agents, and employees, directly or through any corporate or other device,

¹ 6 F. R. 662.

in connection with the offering for sale, sale, and distribution of novelties and other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing novelties, or any merchandise, so packed or assembled that sales of such novelties or other merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise, or lottery scheme;

(2) Supplying to or placing in the hands of others push or pull cards, punch boards, or other lottery devices, either with assortments of novelties or other merchandise or separately, which said push or pull cards, punch boards, or lottery devices are to be used, or may be used, in selling or distributing said novelties or other merchandise to the public;

(3) Selling or otherwise disposing of any novelties or other merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8729; Filed, November 22, 1941;
11:28 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935¹

AMENDMENT TO CERTAIN RULES UNDER THE ACT RELATING TO EXEMPTIONS, REPORTS BY INDIVIDUALS REPRESENTING HOLDING COMPANIES OR SUBSIDIARIES BEFORE FEDERAL AGENCIES, AND THE FORM OF NOTICE OF FILING OF CERTAIN DECLARATIONS OR APPLICATIONS

Acting pursuant to the Public Utility Holding Company Act of 1935, particularly section 20 (a) thereof (Sec. 20, 49 Stat. 833; 15 U.S.C. 79t), and finding that such action is necessary and appropriate in the public interest and for the protection of investors and consumers and necessary to carry out the provisions of the Act, the Securities and Exchange Commission hereby takes the following action:

I. Sec. 250.6 [Rule U-6] under said Act is amended to read as follows:

§ 250.6 *Termination of exemptions.* If it appears to the Commission (on the basis of statements claiming exemption or otherwise) that a substantial question of law or fact exists as to whether any holding company claiming exemption under §§ 250.2, 250.3, 250.4, 250.5, or 250.10 [Rules U-2, U-3, U-4, U-5, or U-10], or any other rule now or hereafter in force pursuant to section 3 (a) of that Act (Sec. 3, 49 Stat. 810; 15 U.S.C. 79c) exempting any class of holding companies from the registration requirements of the Act, is within the exemption afforded by any such rule, or if it appears that any question exists as to whether the exemption of any such company may be detrimental to the public interest or the interest of investors or consumers, the Commission may notify such holding company to that effect by registered mail. Thirty days after such notification, such exemption shall terminate, without prejudice to the right of such holding company to file an application for an order granting such an exemption pursuant to any applicable section of the Act, and without prejudice to any temporary exemption provided for by the Act if such application is filed in good faith.

II. That portion of paragraph (a) of § 250.10 [Rule U-10] which precedes the numbered subparagraphs thereof is amended to read as follows:

§ 250.10 *Effect of certain exemptions—*(a) *Parent holding companies exempt where subsidiaries have obtained, or applied for, certain exemptions.* Subject to the provisions of § 250.6 [Rule U-6], any holding company shall be exempt from any obligation, duty, or liability imposed on it as a holding company solely by reason of such company having as a subsidiary any company which, insofar as it is either a public utility or a holding company, is:

III. Paragraph (d) of § 250.22 [Rule U-22] under said Act is amended to read as follows:

§ 250.22 *Applications and declarations.*

(d) *Formal specifications.* All applications, declarations, certificates and statements, and any amendments thereto, shall be filed in triplicate. One copy shall be signed but the other two copies may have facsimile or typed signatures. Such applications and declarations, and any amendments thereto, should be on paper approximately 8½ by 13 inches in size, except that tables, charts and other documents may be larger if folded to approximately that size. Such document should have a 1½ inch binding margin at the left, and if the application or declaration, or any amendments thereto, is bound, it should be bound on the left side. All typewritten or printed matter (including deficits in financial state-

ments) should be set forth in black so as to permit photocopying.

IV. Paragraph (b) of § 250.24 [Rule U-24] under said Act is amended to read as follows:

§ 250.24 *Terms and conditions applicable to declarations and order granting applications.*

(b) *Conditions and restrictions proposed in an application or declaration.* Every order granting an application or making effective a declaration shall, unless otherwise therein expressly stated, impose upon the applicant or declarant the obligation to comply with any restriction or condition which the application or declaration proposes shall be imposed by the Commission in connection therewith.

V. Sub-division (2) of § 250.70 (c) [Rule U-70 (c)] is amended to read as follows:

(2) "Director" means any director of a corporation or any individual who performs similar functions in connection with a corporation, partnership, trust, voting trust or other company.

VI. Paragraphs (a) and (b) of § 250.71 [Rule U-71] are amended to read as follows:

§ 250.71 *Statements to be filed pursuant to section 12 (i) of the Act—*(a) *Ten-day statement.* Any person who engages in any activity within the scope of section 12 (i) of the Act (Sec. 12, 49 Stat. 823; 15 U. S. C. 79i), shall file with the Commission within 10 days after the date of such activity a statement on Form U-12 (I)-A, except as to activity within the scope of any advance statement on Form U-12 (I)-B, which is duly filed in accordance with paragraph (b).

(b) *Advance statement.* An advance statement, covering anticipated activity for the remainder of the calendar year, may be filed on Form U-12 (I)-B by any person (whether or not the compensation of such person has been fixed in advance) who is a salaried officer or employee or an attorney, accountant or other expert regularly retained by any company or by companies in the same holding company system, or any person specially retained in connection with a particular proceeding or enterprise which is expected to involve a series of appearances or activities, if such employment or retainer does not contemplate any expenses other than ordinary personal, traveling or sustenance expenses, stationery, postage, telephone and telegraphic service, stenographic and clerical assistance, expenditures for the printing of briefs or other documents to be submitted to any agencies specified in section 12 (i) of the Act (Sec. 12, 49 Stat. 823; 15 U.S.C. 79i), and similar items.

VII. The Commission hereby adopts a revised form of "Notice Regarding Filing

¹ 6 F.R. 2015.

Subject to § 250.23 [Rule U-23] as set forth below, viz.,

UNITED STATES OF AMERICA

BEFORE THE SECURITIES AND EXCHANGE COMMISSION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the _____ day of _____, A. D. 19____

NOTICE REGARDING FILING SUBJECT TO SECTION 250.23 [RULE U-23]

In the Matter of

File No. _____

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than _____ at 4:30 P. M., E. S. T., or 1:00 P. M., E. S. T., if such date be a Saturday, request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Section 250.23 [Rule U-23] of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Sections 250.20 (a) and 250.100 [Rules U-20 (a) and U-100] thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Effective November 24, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8778; Filed, November 24, 1941;
11:48 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50515]

PART 24—DUTIES OF INSPECTORS

CUSTOMS REGULATIONS AMENDED—
WEIGHING¹

Article 1366, as Amended, and Article 1367, Customs Regulations of 1937, on Weighing of Merchandise, Amended

The Customs Regulations of 1937 are amended as follows:

Article 1366, as amended by (1941) T.D. 50317² [§ 24.7], is further amended by changing the caption to read "Bulk merchandise—Acceptance of commercial weights.", and by further amending paragraph (e) [§ 24.7 (e)] to read as follows:

§ 24.7 Bulk merchandise; acceptance of commercial weights.

¹ This document affects 19 CFR 24.7 and 24.8.

² 6 F.R. 645.

(e) The waybill weights of cargoes unladen directly from the importing vessel into cars and of shipments imported in railroad cars may be accepted as the official weights of the merchandise when the waybill shows that the commodity has been actually weighed by the carrier, or that the weights were accepted by the carrier under a shipper's load and count and weight agreement basis, and the collector is satisfied that the revenue is adequately protected. In the case of merchandise, such as copper, which is bought and sold on sworn weight certificates of the refiners, the weights shown on the sworn certificates may be accepted as the official weights. Care shall be taken to ascertain whether or not the weights as shown on the waybill include tare. Importations of merchandise as to which the weights shown on waybills or weight certificates are accepted for official purposes shall be weighed, counted, or weighed and counted occasionally on a test basis in order to verify the correctness of the weights and quantities given on the waybills or weight certificates. In any case in which there is a material variance between the waybill weight and the invoice weight or between the test weight and the weight shown on the waybill or sworn weight certificate, actual weight shall be determined and a special investigation shall be made to ascertain the reason for the variance. When the weights shown on the waybill or sworn weight certificate are accepted, the weighing officer shall note that fact in his dock book and on his report of weight. (R.S. 161, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1624.)

Article 1367 (a) [§ 24.8(a)] is amended by inserting before the first sentence the words "Except as otherwise permitted by article 1366 (e) [§ 24.7 (e)], the following procedure shall be followed in the case of uniform packages or articles:" (R.S. 161, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1624)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: November 19, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8711; Filed, November 21, 1941;
3:51 p. m.]

TITLE 21—FOOD AND DRUGS

CHAPTER I—FOOD AND DRUG ADMINISTRATION

[Docket No. FDC-24]

PART 125—LABEL STATEMENTS CONCERNING DIETARY PROPERTIES OF FOOD PORTING TO BE OR REPRESENTED FOR SPECIAL DIETARY USES

Correction

Paragraph 11 of the Findings of Fact, appearing on page 5922 of the issue for Saturday, November 22, 1941, should read as follows:

11. The terms "vitamin B₁" and "thiamine," the terms "vitamin C" and

"ascorbic acid", and the terms "riboflavin", "vitamin B₂" and "vitamin G", are synonymous.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Dockets Nos. A-612 and A-684]

PARTS 324 AND 326—MINIMUM PRICE SCHEDULE, DISTRICT NOS. 4 AND 6

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF RUSH RUN COAL COMPANY, A CODE MEMBER IN DISTRICT 4, FOR THE ESTABLISHMENT OF A PRICE OF \$1.50 PER TON F. O. B. MINE FOR TRUCK SHIPMENT OF ITS COAL IN SIZE GROUP 10 TO THE BEECH BOTTOM POWER COMPANY, IN MARKET AREA 9, AND IN THE MATTER OF DISTRICT BOARD 6, REQUESTING THE DELINEATION OF A CONSUMING ZONE WITHIN MARKET AREA 9, AND FURTHER REQUESTING REVISION OF EFFECTIVE MINIMUM PRICES ESTABLISHED FOR CERTAIN PRODUCERS IN DISTRICT 6 FOR COALS SHIPPED TO POINTS WITHIN SAID CONSUMING ZONE

Original petitions having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by the Rush Run Coal Company, a code member in District 4 (Docket No. A-612), and by District Board 6 (Docket No. A-684), requesting certain relief with reference to shipments of coal to the plant of the Beech Bottom Power Company at Power, West Virginia;

Petitions of intervention having been filed herein by District Boards 4 and 6;

A hearing having been held in this matter on March 11, 1941, pursuant to an Order of the Director dated February 28, 1941, before a duly designated examiner of the Bituminous Coal Division at a hearing room thereof in Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

Temporary relief pending a final disposition of the original petitions having been granted by Order of the Director dated April 7, 1941, 6 F.R. 1850;

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That § 324.24 (General prices in cents per net ton for shipment into all market areas) and § 324.21 (Price instructions and exceptions—(a) Price instructions) in the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipments be, and it hereby is, amended as follows:

(1) § 324.24 General prices in cents per net ton for shipment into all market

areas. The effective minimum prices for coals in Size Groups 7 and 8, of mines located in Belmont and Jefferson Counties, may be reduced 25 cents per ton for shipment to the Beech Bottom Power Company at Power, West Virginia.

(2) § 324.24 *General prices in cents per net ton for shipment into all market areas.* Any coals crushed, pulverized or reduced in size, by any method, at mines located in Belmont and Jefferson Counties resulting in a size not exceeding 2" may be sold to the Beech Bottom Power Company at \$1.90 per ton f. o. b. the mine: *Provided, however,* That all orders, acknowledgments and invoices shall contain complete description of all sizes before being crushed, pulverized, or otherwise reduced and description of size and sizes resulting from such reduction.

(3) § 324.21 *Price instructions and exceptions—(a) Price instructions.* Price Instruction No. 6 is hereby amended by adding the following paragraph:

Provided, however, That code members in Belmont and Jefferson Counties which transport coal or sell coal for transportation by truck, whether owned or controlled by them, independent, or otherwise, for delivery to the Beech Bottom Power Company at Power, West Virginia, may, if the actual transportation costs exceed 25¢ per net ton for delivery to such consumer, reduce the effective minimum price f. o. b. the mine established for their coals by an amount not greater than the excess of such cost over said 25¢, but no such reduction shall exceed 25¢ per ton; and they shall, if the actual transportation costs are less than 25¢ per net ton for delivery to this consumer, add to the effective minimum price f. o. b. the mine established for these coals an amount not less than the difference between said 25¢ and their actual costs.

It is further ordered, That § 326.23 (*General prices; for shipment into all market areas*) and § 326.21 (*Price instructions and exceptions—(a) Price instructions*) in the Schedule of Effective Minimum Prices for District No. 6 for Truck Shipments be, and it hereby is, amended as follows:

(1) § 326.23 *General prices; for shipment into all market areas.* The effective minimum prices for coals in Size Groups 7 and 8 may be reduced 25¢ per ton for shipment to the Beech Bottom Power Company at Power, West Virginia.

(2) § 326.23 *General prices; for shipment into all market areas.* Any coals crushed, pulverized or reduced in size, by any method at the mines, resulting in a size not exceeding 2" may be sold to the Beech Bottom Power Company at \$1.90 per ton f. o. b. the mine: *Provided, however,* That all orders, acknowledgments and invoices shall contain complete description of all sizes before being crushed, pulverized, or otherwise reduced, and description of size or sizes resulting from such reduction.

(3) § 326.21 *Price instructions and exceptions—(a) Price instructions.* Price Instruction No. 6 of said schedule should be amended by adding the following paragraph:

Provided, however, That code members which transport coal or sell coal for transportation by truck, whether owned or controlled by them, independent, or otherwise, for delivery to the Beech Bottom Power Company at Power, West Virginia, may, if the actual transportation costs exceed 25¢ per net ton for delivery to such consumer, reduce the effective minimum price f. o. b. the mine established for their coals by an amount not greater than the excess of such cost over said 25¢, but no such reduction shall exceed 25¢ per ton; and they shall if the actual transportation costs are less than 25¢ per net ton for delivery to this consumer, add to the effective minimum price f. o. b. the mine established for these coals an amount not less than the difference between said 25¢ and their actual costs.

It is further ordered, That the prayers of the original petitions and the petitions of intervention are granted to the extent set forth above and that in all other respects are hereby denied.

Dated: November 19, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8765; Filed, November 24, 1941;
10:06 a. m.]

[Dockets Nos. A-229, A-301, and A-225]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER CORRECTING ORDER CONCERNING FINAL RELIEF IN THE MATTERS OF THE PETITIONS OF DISTRICT BOARD 8 FOR CHANGE IN CLASSIFICATION OF SIZE GROUPS 1 THROUGH 9, AND 11 THROUGH 21 COALS PRODUCED BY NEW LONG RIDGE COAL COMPANY, INC., AND SIZE GROUPS 11 THROUGH 14, AND 15 THROUGH 17 COALS PRODUCED BY EXCELSIOR MINING COMPANY; OF WHIPPLE COALS, INC., FOR CHANGE IN CLASSIFICATION IN SIZE GROUPS 1 THROUGH 9, AND 15 THROUGH 21; AND OF DISTRICT BOARD 8 FOR A PERMANENT ORDER CHANGING THE CLASSIFICATION OF SIZE GROUPS 18 TO 21 COALS PRODUCED BY WEBB COAL MINING COMPANY, A CODE MEMBER OF DISTRICT 8, FOR ALL SHIPMENTS EXCEPT TRUCK TO ALL MARKET AREAS

An Order Concerning Final Relief having been issued in the above-entitled matters on September 29, 1941, 6 F. R. 5005; and

It appearing that in the schedule set forth in said order, § 328.11 (*alphabetical list of code members*), the New Long Ridge Coal Company has been referred to as operating Mine Index No. 198, whereas the correct Mine Index number for this company's mine is No. 298;

Now, therefore, it is ordered, That that portion of the Order Concerning Final

Relief in this matter referring to the New Long Ridge Coal Company as Mine Index No. 198, be and it hereby is corrected to read "Mine Index No. 298."

Dated: November 19, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8766; Filed, November 24, 1941;
10:06 a. m.]

[Docket No. A-1148]

PART 342—MINIMUM PRICE SCHEDULE, DISTRICT NO. 22

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 22 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS, IN SIZE GROUPS 1, 2, 3 AND 5, PRODUCED IN SUBDISTRICTS 1 AND 2 OF DISTRICT NO. 22 FOR SHIPMENT INTO MARKET AREA 243, ALASKA

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 has been duly filed with this Division by the above-named party requesting reductions in the effective minimum prices for coals in Size Groups 1, 2, 3 and 5 produced in Subdistricts 1 and 2 in District No. 22 for shipment into Market Area 243, Alaska.

The petition requests the establishment of the same minimum prices for the coals of Subdistricts 1 and 2 of District No. 22 for shipment into Market Area 243, Alaska, as have heretofore been established for those coals for shipment into Market Area 247, Seattle, Washington. Petitioner notes that the effective minimum prices applicable to the competing coals of District Nos. 19 and 20 are lower for shipment to Market Area 243, Alaska, than for shipment to Market Area 247, Seattle; and alleges that the coals of Subdistricts 1 and 2 of District No. 22 will be deprived of a reasonable opportunity to compete unless the requested temporary relief is granted and that bids covering shipments to Market Area 243 will soon be closed, so that the need for the temporary prices requested is immediate and urgent.

It appears that District Board No. 22, original petitioner in this matter, communicated with District Board Nos. 17, 19, 20 and 23 and requested such boards to advise the Division whether they had any objections to the granting of the relief prayed for in the original petition. District Boards 17, 19 and 23 have advised the Division that there will be no objection from such Boards to the granting of the relief requested by petitioner. District Board No. 20 has not indicated any position, by a petition of intervention or otherwise.

No petitions of intervention have been filed with the Division in the above-entitled matter.

In view of these foregoing circumstances, it appears to the Director that

a reasonable showing of necessity has been made for the granting of temporary relief, and that other interested parties will not be unduly prejudiced by the granting thereof, pending the final disposition of this proceeding, in the manner hereinafter set forth.

Now, therefore, it is ordered, That pending final disposition of the above-entitled matter, temporary relief be and the same hereby is, granted as follows: Commencing forthwith \$ 342.5 (*General prices; minimum prices for shipment via rail transportation*) in the Schedule of Effective Minimum Prices for District No. 22 for All Shipments is supplemented to include the following minimum prices for the coals of Subdistricts 1 and 2 of District No. 22 when for shipment into Market Area 243, Alaska:

Market area	Size groups			
	1	2	3	5
243.....	330	305	330	305

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order. Dated: November 21, 1941.

[SEAL]

H. A. GRAY,
Director.[F. R. Doc. 41-8764; Filed, November 24, 1941;
10:05 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[Order No. 22]

HENRY CAMP PROJECT, ILLINOIS,
ESTABLISHMENT

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Henry Camp project to be work of national importance. Said camp, located at Henry, Marshall County, Illinois, will be the base of operations for soil conservation work in the State of Illinois, and registrants under the Selective Training and Service Act, who have

been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Henry Camp will consist of the establishment of a program tending to develop sound land use practices which will prevent the spread of erosion, and shall be under the technical direction of the Soil Conservation Service of the United States Department of Agriculture insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in the camp in accordance with the provisions of the Selective Service Act and Regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

NOVEMBER 17, 1941.

[F. R. Doc. 41-8707; Filed, November 21, 1941;
3:15 p. m.]

[No. 33]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of paragraph 163 and Appendix A¹ to Volume One of the Selective Service Regulations, I hereby prescribe the following changes in DSS forms:

1. Revision of DSS Form 264,² effective fifteen (15) days after the filing hereof with the Division of the Federal Register. Upon receipt of the revised DSS Form 264 all copies of the original DSS Form 264 will be destroyed and its use discontinued.

2. Addition of a new form designated as DSS Form 265,² effective fifteen (15) days after the filing hereof with the Division of the Federal Register.

3. Addition of a new form designated as DSS Form 266,² effective fifteen (15) days after the filing hereof with the Division of the Federal Register.

4. Addition of a new form designated as DSS Form 267,² effective fifteen (15) days after the filing hereof with the Division of the Federal Register.

The foregoing revision and additions shall, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, become a part of Ap-

¹ 5 F.R. 3785.² Filed with the original document.

pendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

OCTOBER 27, 1941.

[F. R. Doc. 41-8708; Filed, November 21, 1941;
3:15 p. m.]

ORDER AUTHORIZING THE DIRECTOR OF SELECTIVE SERVICE FOR THE TERRITORY OF ALASKA TO APPROVE THE MAXIMUM AMOUNT THAT MAY BE EXPENDED FOR MEALS OR LODGINGS

Pursuant to the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules, regulations, and orders prescribed by the President thereunder, and notwithstanding any conflicting provisions of the Selective Service Regulations, I hereby direct that the Director of Selective Service for the Territory of Alaska may authorize or approve the maximum amount that may be properly expended by the Selective Service System for meals or lodgings furnished registrants within the Territory of Alaska.

LEWIS B. HERSHEY,
Director.

NOVEMBER 22, 1941.

[F. R. Doc. 41-8770; Filed, November 24, 1941;
11:16 a. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

[Supplementary Order M-37-b]

PART 980—RAYON YARN

Designation of Agency to Receive Duplicate Certificates Filed Under Supplementary Order M-37-a

Paragraph (f) (3) of Supplementary Order M-37-a¹ required each producer or jobber to file duplicates of the certificates received from manufacturers with an agency to be designated by the Director of Priorities;

Now, therefore, it is hereby ordered, That:

§ 980.3 *Supplementary order M-37-b.*
(a) The Textile Tabulating Office, Bureau of Research and Statistics of the Office of Production Management, 10 East 40th Street, New York, New York, is hereby designated as the agency referred to in paragraph (f) (3) to receive the duplicates of the certificates and allocation orders filed with producers and jobbers by persons seeking to purchase reserved yarn set aside in accordance with Supplementary Order M-37-a.

(b) This Order shall take effect immediately and shall terminate December 31, 1941. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sep-

¹ 6 F.R. 4945.

tember 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 22d day of November 1941.

D. M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8718; Filed, November 22, 1941;
10:03 a. m.]

[Amendment No. 1 to Limitation Order L-4¹]

PART 983—MATERIAL ENTERING INTO THE PRODUCTION OF REPLACEMENT PARTS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS

Restriction of the Production of Replacement Parts Used in the Repair of Passenger Automobiles and Light Trucks

Section 983.1 (b) (1) is hereby amended by adding at the end thereof the following:

§ 983.1 General limitation order L-4.

(b) General restrictions.

(1) * * * Provided however, That any Producer may take as his base period the period from July 1, 1940 to December 31, 1940, in lieu of the period from January 1, 1941 to June 30, 1941.

Section 983.1 (b) (2) is hereby amended by inserting after the words "January 1, 1941 to June 30, 1941" the words "or July 1, 1940 to December 31, 1940, as the case may be."

This order shall take effect immediately. (F.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 22d day of November 1941.

D. M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8719; Filed, November 22, 1941;
10:03 a. m.]

[Limitation Order L-25]

PART 1018—TIN FOIL AND LEAD FOIL

Limiting the Use of Tin Foil and Lead Foil

Whereas the manufacture of lead foil and tin foil requires utilization of large quantities of lead and tin; and

Whereas national defense requirements have created shortages in these materials for defense, private account and export; action has already been taken to conserve the supply and direct the distribu-

tion of lead and tin to insure deliveries for defense requirements; and

Whereas present supplies of these materials will be insufficient for defense and essential civilian requirements;

Now, therefore, it is hereby ordered, That:

§ 1018.1 *General Limitation Order L-25.* (a) *Restrictions on use of tin foil and lead foil.* On and after March 15, 1942, no person shall use tin foil, lead foil, or any composition foil containing tin or lead in the manufacture of any decorative article or material, or in the packaging of any of the following products:

Tobacco and tobacco products, including cigars and cigarettes.

Chewing gum.

Beverages of all types.

Confections.

Ribbons for typewriters and other business machines.

Friction tape.

Photographic films.

(b) *Restrictions on manufacture and delivery—*(1) *Limitation prior to January 15, 1942.* During the period from the effective date of this order to January 15, 1942, no person shall manufacture a quantity of tin foil, lead foil or other composition foil containing tin or lead for the uses prohibited in paragraph (a) above greater than one-third ($\frac{1}{3}$) of the quantity of tin foil, lead foil and composition foils containing tin and lead, manufactured by such person for such uses during the first three months of 1941.

(2) *Prohibitions effective January 15, 1942.* On and after January 15, 1942, no person shall manufacture, sell or deliver any tin foil, lead foil or composition foil containing tin or lead which he knows or has reason to believe will be used in the manufacture of any decorative article or material or in the packaging of any of the products specified in paragraph (a) above, and no person shall accept delivery thereof for such prohibited uses.

(c) *Violations.* Any person affected by this order, who violates any of its provisions, or a provision of any other order, direction or regulation issued by the Director of Priorities, may be prohibited by the Director from making or receiving further deliveries of tin foil, lead foil, or composition foil containing tin or lead or of any material subject to allocation, or he may be subjected to any other or further action which the Director may deem appropriate.

(d) *Regulations incorporated.* Except as modified by the terms of this order and as otherwise specifically provided herein, all of the provisions and definitions of Priorities Regulation No. 1, issued by the Director of Priorities on August 27, 1941 (Part 944), as amended from time to time, are hereby included as a part of this order with the same effect as if specifically set forth herein.

(e) *Effective dates.* This order shall take effect immediately upon its issuance,

and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, as amended September 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public, No. 671, 76th Congress, Third Session, as amended by Public, No. 89, 77th Congress, First Session; sec. 9, Public, No. 783, 76th Congress, Third Session)

Issued this 24th day of November 1941.

D. M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8767; Filed, November 24, 1941;
10:19 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

[Price Schedule No. 4, as amended]

PART 1304—IRON AND STEEL SCRAP

IRON AND STEEL SCRAP, PRICE SCHEDULE¹

Sections 1304.1 to 1304.19, inclusive, are hereby amended so that Price Schedule No. 4 shall read as follows:

§ 1304.1 *Maximum prices on sales of iron and steel scrap other than railroad scrap.* On and after April 3, 1941, regardless of the terms of any commitment theretofore entered into, no person shall sell, offer to sell, deliver, or transfer at a price, iron and steel scrap other than railroad scrap to the consumer of such scrap, at prices higher than the prices set forth in Appendix A, incorporated herein as § 1304.16, and no consumer shall buy, offer to buy, or accept delivery of, iron and steel scrap other than railroad scrap at prices higher than the prices set forth in Appendix A, except as provided in §§ 1304.5 and 1304.6 hereof. Lower prices may, however, be charged, demanded, paid or offered.*

*§§ 1304.1 to 1304.18, inclusive, issued pursuant to the authority contained in Executive Orders No. 8734, 8875, 6 F.R. 1917, 4483.

§ 1304.2 *Maximum prices on sales of iron and steel railroad scrap.* On and after April 3, 1941, regardless of the terms of any commitment theretofore entered into, no person shall sell, offer to sell, deliver, or transfer at a price, iron and steel railroad scrap to the consumer of such scrap, at prices higher than the prices set forth in Appendix B, incorporated herein as § 1304.17, and no consumer shall buy, offer to buy, or accept delivery of, iron and steel railroad scrap at prices higher than the prices established in Appendix B, except as provided in §§ 1304.5 and 1304.6 hereof. Lower prices may, however, be charged, demanded, paid or offered.*

§ 1304.3 *Maximum prices on sales of iron and steel scrap for export.* On or after April 3, 1941, regardless of the terms of any commitment theretofore entered into, no person shall sell or offer to sell for export, or deliver for export,

¹ 6 F.R. 4818.

¹ Revised to November 24, 1941.

iron and steel scrap, to any person at prices higher than the prices set forth in Appendix C, incorporated herein as § 1304.18 and no consumer or agent or other person shall buy or offer to buy for export, or accept delivery of for export, iron and steel scrap at higher prices than the prices set forth in Appendix C, except as provided in §§ 1304.5 and 1304.6 hereof. Lower prices may, however, be charged, demanded, paid or offered.*

§ 1304.4 *Method of securing information governing maximum prices on sales of iron and steel railroad scrap.* On and after April 3, 1941, a sale of any grade of iron and steel railroad scrap for which no maximum price is published in Appendix B shall be made only after opportunity has been given any buyer of such scrap to learn the maximum price, if any, applicable to such sale by addressing an inquiry to the office of Price Administration, Washington, D. C. In order to provide such opportunity, no sale of any such grade of iron or steel railroad scrap, concerning which a maximum price is applicable hereunder, shall be made, except as provided under § 1304.5 below, until after the railroad maker thereof or other person has filed with the Office of Price Administration the information required to determine with Appendix B the maximum price thereby established for such grade, and until the Office of Price Administration has thereupon released a maximum price therefor.*

§ 1304.5 *Extension to May 10, 1941 for uncompleted contracts.* (a) In the event that any person has, prior to April 3, 1941, acquired possession of, and ownership in, iron and steel scrap at a price in excess of the maximum price established in this Price Schedule for the purpose of carrying out a contract for the sale of such scrap entered into prior to such date, such sale may be made and completed at the price contracted for, even though such price is in excess of the maximum price established herein, provided that deliveries are completed on or before May 10, 1941.

(b) Any person who, prior to April 3, 1941, entered into a contract at prices higher than the maximum prices established under this Price Schedule for the sale of iron and steel scrap:

(1) Originating from a demolition operation commenced prior to April 3, 1941; or

(2) Acquired prior to April 3, 1941, and accumulated at a point of shipment, for export or otherwise, and impossible, due to lack of transportation facilities, to deliver to the purchaser of such scrap, may make and complete such sale at the prices contracted for provided that deliveries of such scrap are completed on or before May 10, 1941, or on a later date fixed by the Office of Price Administration upon application, supported by affidavit establishing a reasonable

ground for extension beyond May 10, 1941.*

§ 1304.6 *Commissions.* In the event that a consumer of iron and steel scrap shall employ an agent or broker to purchase iron and steel scrap for its use, such consumer may pay such agent or broker for such scrap a sum not exceeding the maximum prices established under this Schedule plus a commission of not more than 50¢ per gross ton. Such commission shall be payable only if (a) the agent or broker guarantees the quality and delivery of an agreed tonnage of the scrap; (b) the commission is shown as a separate charge in billing; (c) the scrap is invoiced at a price not higher than the maximum applicable herein; and (d) no dealer or broker splits or divides the commission allowed him by a consumer with the seller or sellers of the scrap, with another broker or a subbroker, or with the consumer. A dealer who has never acted as a broker prior to June 18, 1941, shall in no case be allowed a brokerage commission.*

§ 1304.7 *Shipment; limitation on use of certain kinds of iron and steel scrap.* (a) The shipment of iron and steel scrap shall, insofar as practicable, be routed through the channels customarily utilized by the maker, dealer, broker or consumer in order to minimize the necessity for cross-hauling and to prevent dislocation of the machinery of collection and preparation for consumption.

(b) Consumers, brokers and dealers, shall, to the greatest possible extent, refrain from the purchase, and steel mills (open hearths) from the use of the kinds and grades of iron and steel railroad scrap not essential to their production; i. e., rerolling rails scrap must be diverted to rerolling mills and not cut for melting purposes.

(c) A railroad maker of iron and steel scrap shall not sell such scrap off the line of his railroad, irrespective of price, until he has supplied consumers located on the line of the railroad as they have been in the past customarily supplied with the iron and steel scrap originating on the railroad.*

§ 1304.8 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase or sale of iron and steel scrap, or of any other materials, or by way of any service or other charge, including transportation charges, or discount, premium or other privilege, or by any tying agreement or trade understanding, or otherwise.*

§ 1304.9 *Record-keeping requirements.* Every dealer in, and every maker, smelter, processor, broker, or consumer of, and every other person purchasing or selling iron and steel scrap shall, until such time as further information is deemed necessary or appropriate hereunder, keep for inspection by the Office of Price Administration and pre-

serve for a period of not less than one year, complete and accurate records of:

(a) All purchases and sales of iron and steel scrap, recording therein the person from or to whom each such purchase or sale was made, the date thereof, the price paid, or received, and the quantity in pounds and quality by grades in iron and steel scrap, or both, involved; and

(b) As of the close of each month, the amount in pounds of iron and steel scrap, (1) on hand and (2) on order.*

§ 1304.10 *Reports.* Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1304.11 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule, and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of iron and steel scrap, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1304.12 *Supplemental schedule and reporting requirements.* In order to insure compliance with this Schedule supplements further stating its scope and, if necessary, requiring further reports to the Government, will be issued from time to time when found appropriate.*

§ 1304.13 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule and all other Schedules issued by the Office of Price Administration.*

§ 1304.14 *Definitions.* When used in this Schedule:

(a) The term "person" includes an individual, corporation, association, partnership, or other business entity;

(b) The term "iron and steel scrap" means other than railroad scrap means the kinds and grades of imported and domestic iron and steel scrap referred to in Appendix A;

(c) The term "iron and steel railroad scrap" means iron and steel scrap having a railroad origin and includes the kinds and grades of imported and domestic iron and steel scrap referred to in, and determined under, Appendix B;

(d) The term "railroad" includes steam and electric railroads, and street, suburban, and interurban electric railways and local trolleys;

§ 1304.16 Appendix A—Maximum prices for iron and steel scrap other than railroad scrap—(a) Basing point prices from which shipping point prices and consumers' delivered prices are to be computed

[All the prices given below are per gross ton]

Grades	Basing points				
	Alabama City, Ala.	Alloy, W. Va.	Ashland, Ky.	Atlanta, Ga.	Bethlehem, Pa.
No. 1 Heavy Melting Steel	\$17.00		\$19.50	\$17.00	\$18.25
No. 1 Hydraulic Compressed Black Sheet	17.00		19.50	17.00	18.25
No. 2 Heavy Melting Steel	16.00		18.50	16.00	17.25
Dealers' No. 1 Bundles	16.00		18.50	16.00	17.25
Dealers' No. 2 Bundles	15.00		17.50	15.00	16.25
Mixed Borings and Turnings	12.25		14.75		13.75
Machine Shop Turnings	13.00	\$17.60	15.00		14.75
Shovelling Turnings	16.00		16.00		17.75
No. 1 Busheling	16.50		19.00		17.75
Cast Iron Borings	12.75		15.00		13.75
No. 2 Busheling	12.50		13.25		11.75
Uncut Structural & Plate Scrap	16.00		18.50		17.25
Heavy Breakable Cast			21.00		22.50
Stove Plate			19.50		21.00
Low Phos Billet & Bloom Crops			17.50		18.00
Low Phos Bar Crops & Smaller			18.50		19.00
Punchings & Plate Scrap			24.50		25.00
Machine Shop Turnings			22.50		23.00
Machinery Cast Cupola Size			22.50		23.00
No. 1 Mach. Cast, drop-broken, 150 lbs. & under			22.50		23.00
Clean Auto Cast			22.50		23.00
Punchings & Plate Scrap			21.50		22.00
Heavy Axle & Forge Turnings			20.50		21.00
Medium Heavy Electric Furnace Turnings			19.00		19.50

Grades	Basing points				
	Birmingham, Ala.	Bridgeport, Conn.	Buffalo, N. Y.	Canton, Ohio	Chattanooga, Tenn.
No. 1 Heavy Melting Steel	\$17.00		\$19.25	\$20.00	
No. 1 Hydraulic Compressed Black Sheet	17.00		19.25	20.00	
No. 2 Heavy Melting Steel	16.00		18.25	19.00	
Dealers' No. 1 Bundles	16.00		18.25	19.00	
Dealers' No. 2 Bundles	15.00		17.25	18.00	
Mixed Borings and Turnings	12.25		14.75		
Machine Shop Turnings	13.00		15.00		
Shovelling Turnings	16.00		16.00		
No. 1 Busheling	16.50		19.00		
Cast Iron Borings	12.75		15.00		
No. 2 Busheling	12.50		13.25		
Uncut Structural & Plate Scrap	16.00		18.50		
Heavy Breakable Cast			21.00		
Stove Plate			19.50		
Low Phos Billet & Bloom Crops			17.50		
Low Phos Bar Crops & Smaller			18.50		
Punchings & Plate Scrap			24.50		
Machine Shop Turnings			22.50		
Machinery Cast Cupola Size			22.50		
No. 1 Mach. Cast, drop-broken, 150 lbs. & under			22.50		
Clean Auto Cast			22.50		
Punchings & Plate Scrap			21.50		
Heavy Axle & Forge Turnings			20.50		
Medium Heavy Electric Furnace Turnings			19.00		

§ 1304.16 Appendix A—Maximum prices for iron and steel scrap other than railroad scrap—(a) Basing point prices from which shipping point prices and consumers' delivered prices are to be computed—Continued

Grades	Basing points					
	Birmingham, Ala.	Bridgeport, Conn.	Buffalo, N. Y.	Canton, Ohio	Chattanooga, Tenn.	Chicago, Ill.
Dealers' No. 2 Bundles	\$15.00		\$17.25	\$18.00		\$16.75
Mixed Borings and Turnings	12.25		14.75	15.25		14.00
Machine Shop Turnings	15.00		17.50	18.00		16.25
No. 1 Busheling	16.00		18.75	19.50		17.25
No. 2 Busheling	12.50		14.75	15.50		13.25
Cast Iron Borings	12.75		15.00	15.75		14.25
Uncut Structural & Plate Scrap	16.00		18.25	19.00		17.75
Heavy Breakable Cast	20.00	\$22.00	20.00	21.00	\$20.50	20.00
Stove Plate	18.50	17.50	18.50	19.50	19.00	18.50
Low Phos Billet & Bloom Crops	17.00	17.50	18.00	19.00	18.50	17.50
Low Phos Bar Crops & Smaller	22.00		24.25	25.00		23.75
Punchings & Plate Scrap	20.00		22.25	23.00		21.75
Machine Shop Turnings	21.00		22.25	23.00		21.75
Machinery Cast Cupola Size	21.00		21.00	22.00		21.00
No. 1 Mach. Cast, drop-broken, 150 lbs. & under	21.00		21.00	22.00		21.00
Clean Auto Cast	21.00		21.00	22.00		21.00
Punchings & Plate Scrap	19.00		21.25	22.00		20.75
Heavy Axle & Forge Turnings	18.00		20.25	21.00		20.50
Medium Heavy Electric Furnace Turnings	16.50		18.75	19.50		18.25
	15.00		17.25	18.00		16.75

Grades	Basing points					
	Claymont, Del.	Cleveland, Ohio	Coatesville, Pa.	Conshohocken, Pa.	Detroit, Mich.	Harrisburg, Pa.
No. 1 Heavy Melting Steel	\$18.75	\$19.50	\$18.75	\$18.75	\$17.85	\$18.75
No. 1 Hydraulic Compressed Black Sheet	18.75	19.50	18.75	18.75	17.85	18.75
Dealers' No. 1 Bundles	17.75	18.50	17.75	17.75	16.85	17.75
Dealers' No. 2 Bundles	16.75	17.50	16.75	16.75	15.85	16.75
Mixed Borings and Turnings	14.00	14.75	14.00	14.00	13.10	14.00
Machine Shop Turnings	14.25	15.00	14.25	14.25	13.35	14.25
Shovelling Turnings	13.25	16.00	15.25	15.25	14.35	15.25
No. 1 Busheling	14.25	19.00	18.25	18.25	17.35	18.25
No. 2 Busheling	13.25	15.25	14.25	14.25	13.35	14.25
Cast Iron Borings	14.50	15.50	14.50	14.50	13.60	14.50
Uncut Structural & Plate Scrap	17.75	22.00	17.75	17.75	16.85	17.75
No. 1 Cupola	18.50	20.50	18.50	18.50	17.50	18.50
Stove Plate	18.50	20.50	18.50	18.50	17.50	18.50
Low Phos Billet & Bloom Crops	23.75	23.75	23.75	23.75	22.85	23.75
Low Phos Bar Crops & Smaller	21.75	22.50	21.75	21.75	20.85	21.75
Punchings & Plate Scrap	21.75	22.50	21.75	21.75	20.85	21.75
Machine Shop Turnings	24.00	23.00	24.00	24.00	23.00	24.00
Machinery Cast Cupola Size	24.00	23.00	24.00	24.00	23.00	24.00
No. 1 Mach. Cast, drop-broken, 150 lbs. & under	24.00	23.00	24.00	24.00	23.00	24.00
Clean Auto Cast	24.50	23.50	24.50	24.50	23.50	24.50
Punchings & Plate Scrap	24.50	23.50	24.50	24.50	23.50	24.50
Heavy Axle & Forge Turnings	19.75	20.50	19.75	19.75	18.85	19.75
Medium Heavy Electric Furnace Turnings	18.25	19.00	18.25	18.25	17.35	18.25
	16.75	17.50	16.75	16.75	15.85	16.75

See footnotes at end of table.

§ 1304.16 Appendix A—Maximum prices for iron and steel scrap other than railroad scrap—(a) Basing point prices from which shipping point prices and consumers' delivered prices are to be computed—Continued

Grades 1:		Basing points						
		Johnstown, Pa.	Kokomo, Ind.	Middletown, Ohio	Minneapolis-St. Paul, Minn.	Minneapolis, Colo.	Phillipsdale, R. I.	Phoenixville, Pa.
No. 1 Heavy Melting Steel		\$20.00	\$18.25	\$19.50		\$16.50		\$18.75
No. 1 Hydraulic Compressed Black Sheet Scrap		20.00	18.25	19.50		16.50		18.75
No. 2 Heavy Melting Steel		19.00	17.25	18.50		15.50		17.75
Dealers' No. 1 Bundles		19.00	17.25	18.50		15.50		17.75
Mixed Borings and Turnings		18.00	16.25	17.50		14.50		16.75
Machine Shop Turnings		15.25	14.25	14.75		11.75		14.00
Shovelling Turnings		15.50	14.50	15.00		12.00		14.25
No. 1 Bushelling		16.50	15.50	16.00		13.00		15.25
No. 2 Bushelling		19.00	17.75	18.00		16.00		18.25
Cast Iron Borings		15.50	14.75	15.00		12.25		14.50
Uncut Structural & Plate Scrap		19.00	17.25	18.50		15.50		17.75
No. 1 Cupola		21.00	19.00	20.00	\$19.00	\$22.00		21.00
Heavy Breakable Cast		19.00	18.00	19.00	17.50	17.50		21.00
Store Plate		19.00	18.00	19.00	16.00			20.00
Low Phos Bar Crops & Smaller		19.00	18.00	19.00	15.00			19.00
Dealers' No. 1 Bundles		20.00	19.00	20.00	16.00			20.00
Mixed Borings and Turnings		20.00	19.00	20.00	17.00			21.00
Machine Shop Turnings		20.00	19.00	20.00	18.00			22.00
Shovelling Turnings		20.00	19.00	20.00	19.00			23.00
No. 1 Bushelling		21.00	20.00	21.00	20.00			24.00
No. 2 Bushelling		23.00	22.00	23.00	22.00			26.00
Cast Iron Borings		21.00	20.00	21.00	20.00			22.00
Uncut Structural & Plate Scrap		21.00	20.00	21.00	20.00			23.00
No. 1 Cupola		21.00	20.00	21.00	20.00			24.00

Grades 1:		Basing points					
		Pittsburgh, Pa.	Portland, Oreg.	Portsmouth, Ohio	Radford, Va.	St. Louis, Mo.	
No. 1 Heavy Melting Steel		\$20.00		\$19.50		\$17.50	
No. 1 Hydraulic Compressed Black Sheet Scrap		20.00		19.50		17.50	
No. 2 Heavy Melting Steel		19.00		18.50		16.50	
Dealers' No. 1 Bundles		19.00		18.50		16.50	
Mixed Borings and Turnings		18.00		17.50		15.50	
Machine Shop Turnings		15.25		14.75		14.00	
Shovelling Turnings		15.50		15.00		14.00	
No. 1 Bushelling		16.50		16.00		15.00	
No. 2 Bushelling		19.00		18.50		17.00	
Cast Iron Borings		15.50		15.00		14.00	
Uncut Structural & Plate Scrap		19.00		18.50		17.00	
No. 1 Cupola		21.00		20.50		19.00	

Grades 1:		Basing points					
		Los Angeles, Calif.	San Francisco, Calif.	Pittsburg, Calif.	Seattle, Wash.	Sparrows Point, Md.	Steubenville, Ohio
No. 1 Heavy Melting Steel		\$17.00	\$17.00	\$17.00	\$14.50	\$15.75	\$20.00
No. 1 Hydraulic Compressed Black Sheet Scrap		17.00	17.00	17.00	14.50	15.75	20.00
No. 2 Heavy Melting Steel		16.00	16.00	16.00	13.50	14.75	19.00
Dealers' No. 1 Bundles		16.00	16.00	16.00	13.50	14.75	19.00
Mixed Borings and Turnings		15.00	15.00	15.00	12.50	13.75	18.00
Machine Shop Turnings		12.25	12.25	12.25	9.75	11.00	15.25
Shovelling Turnings		12.50	12.50	12.50	10.00	11.25	15.50
No. 1 Bushelling		13.50	13.50	13.50	11.00	12.25	16.50
No. 2 Bushelling		16.50	16.50	16.50	14.00	15.25	19.50
Cast Iron Borings		12.50	12.50	12.50	10.00	11.25	13.50
Uncut Structural & Plate Scrap		12.75	12.75	12.75	10.25	11.50	13.75
No. 1 Cupola		16.00	16.00	16.00	13.50	14.75	19.00
Heavy Breakable Cast		18.00	18.00	18.00	15.00	16.25	21.00
Store Plate		16.50	16.50	16.50	14.00	15.25	19.50
Low Phos Bar Crops & Smaller		22.00	22.00	22.00	19.00	20.25	23.00
Dealers' No. 1 Bundles		20.00	20.00	20.00	17.50	18.75	21.00
Mixed Borings and Turnings		20.00	20.00	20.00	17.50	18.75	21.00
Machine Shop Turnings		20.00	20.00	20.00	17.50	18.75	21.00
Shovelling Turnings		20.00	20.00	20.00	17.50	18.75	21.00
No. 1 Bushelling		21.00	21.00	21.00	18.00	19.25	22.00
No. 2 Bushelling		23.00	23.00	23.00	20.00	21.25	24.00
Cast Iron Borings		21.00	21.00	21.00	18.00	19.25	22.00
Uncut Structural & Plate Scrap		21.00	21.00	21.00	18.00	19.25	22.00
No. 1 Cupola		21.00	21.00	21.00	18.00	19.25	22.00

Grades 1:		Basing points					
		Pittsburgh, Pa.	Portland, Oreg.	Portsmouth, Ohio	Radford, Va.	St. Louis, Mo.	
No. 1 Heavy Melting Steel		\$20.00		\$19.50		\$17.50	
No. 1 Hydraulic Compressed Black Sheet Scrap		20.00		19.50		17.50	
No. 2 Heavy Melting Steel		19.00		18.50		16.50	
Dealers' No. 1 Bundles		19.00		18.50		16.50	
Mixed Borings and Turnings		18.00		17.50		15.50	
Machine Shop Turnings		15.25		14.75		14.00	
Shovelling Turnings		15.50		15.00		14.00	
No. 1 Bushelling		16.50		16.00		15.00	
No. 2 Bushelling		19.00		18.50		17.00	
Cast Iron Borings		15.50		15.00		14.00	
Uncut Structural & Plate Scrap		19.00		18.50		17.00	
No. 1 Cupola		21.00		20.50		19.00	

Grades 1:		Basing points					
		Pittsburgh, Pa.	Portland, Oreg.	Portsmouth, Ohio	Radford, Va.	St. Louis, Mo.	
No. 1 Heavy Melting Steel		\$20.00		\$19.50		\$17.50	
No. 1 Hydraulic Compressed Black Sheet Scrap		20.00		19.50		17.50	
No. 2 Heavy Melting Steel		19.00		18.50		16.50	
Dealers' No. 1 Bundles		19.00		18.50		16.50	
Mixed Borings and Turnings		18.00		17.50		15.50	
Machine Shop Turnings		15.25		14.75		14.00	
Shovelling Turnings		15.50		15.00		14.00	
No. 1 Bushelling		16.50		16.00		15.00	
No. 2 Bushelling		19.00		18.50		17.00	
Cast Iron Borings		15.50		15.00		14.00	
Uncut Structural & Plate Scrap		19.00		18.50		17.00	
No. 1 Cupola		21.00		20.50		19.00	

Grades 1:		Basing points					
		Pittsburgh, Pa.	Portland, Oreg.	Portsmouth, Ohio	Radford, Va.	St. Louis, Mo.	
No. 1 Heavy Melting Steel		\$20.00		\$19.50		\$17.50	
No. 1 Hydraulic Compressed Black Sheet Scrap		20.00		19.50		17.50	
No. 2 Heavy Melting Steel		19.00		18.50		16.50	
Dealers' No. 1 Bundles		19.00		18.50		16.50	
Mixed Borings and Turnings		18.00		17.50		15.50	
Machine Shop Turnings		15.25		14.75		14.00	
Shovelling Turnings		15.50		15.00		14.00	
No. 1 Bushelling		16.50		16.00		15.00	
No. 2 Bushelling		19.00		18.50		17.00	
Cast Iron Borings		15.50		15.00		14.00	
Uncut Structural & Plate Scrap		19.00		18.50		17.00	
No. 1 Cupola		21.00		20.50		19.00	

Grades 1:		Basing points					
		Pittsburgh, Pa.	Portland, Oreg.	Portsmouth, Ohio	Radford, Va.	St. Louis, Mo.	
No. 1 Heavy Melting Steel		\$20.00		\$19.50		\$17.50	
No. 1 Hydraulic Compressed Black Sheet Scrap		20.00		19.50		17.50	
No. 2 Heavy Melting Steel		19.00		18.50		16.50	
Dealers' No. 1 Bundles		19.00		18.50		16.50	
Mixed Borings and Turnings		18.00		17.50		15.50	
Machine Shop Turnings		15.25		14.75		14.00	
Shovelling Turnings		15.50		15.00		14.00	
No. 1 Bushelling		16.50		16.00		15.00	
No. 2 Bushelling		19.00		18.50		17.00	
Cast Iron Borings		15.50		15.00		14.00	
Uncut Structural & Plate Scrap		19.00		18.50		17.00	
No. 1 Cupola		21.00		20.50		19.00	

Grades 1:		Basing points					
		Pittsburgh, Pa.	Portland, Oreg.	Portsmouth, Ohio	Radford, Va.	St. Louis, Mo.	
No. 1 Heavy Melting Steel		\$20.00		\$19.50		\$17.50	
No. 1 Hydraulic Compressed Black Sheet Scrap		20.00		19.50		17.50	
No. 2 Heavy Melting Steel		19.00		18.50		16.50	
Dealers' No. 1 Bundles		19.00		18.50		16.50	
Mixed Borings and Turnings		18.00		17.50		15.50	
Machine Shop Turnings		15.25		14.75		14.00	
Shovelling Turnings		15.50		15.00		14.00	
No. 1 Bushelling		16.50		16.00		15.00	
No. 2 Bushelling		19.00		18.50		17.00	
Cast Iron Borings		15.50		15.00		14.00	
Uncut Structural & Plate Scrap		19.00		18.50		17.00	
No. 1 Cupola		21.00		20.50		19.00	

Grades 1:		Basing points					
		Pittsburgh, Pa.	Portland, Oreg.	Portsmouth, Ohio	Radford, Va.	St. Louis, Mo.	
No. 1 Heavy Melting Steel		\$20.00		\$19.50		\$17.50	
No. 1 Hydraulic Compressed Black Sheet Scrap		20.00		19.50		17.50	
No. 2 Heavy Melting Steel		19.00		18.50		16.50	
Dealers' No. 1 Bundles		19.00		18.50		16.50	
Mixed Borings and Turnings		18.00		17.50		15.50	
Machine Shop Turnings		15.25		14.75		14.00	
Shovelling Turnings		15.50		15.00		14.00	
No. 1 Bushelling		16.50		16.00		15.00	
No. 2 Bushelling		19.00		18.50		17.00	
Cast Iron Borings		15.50		15.00		14.00	
Uncut Structural & Plate Scrap		19.00		18.50		17.00	
No. 1 Cupola		21.00		20.50		19.00	

Grades 1:		Basing points					
		Pittsburgh, Pa.	Portland, Oreg.	Portsmouth, Ohio	Radford, Va.	St. Louis, Mo.	
No. 1 Heavy Melting Steel		\$20.00		\$19.50		\$17.50	
No. 1 Hydraulic Compressed Black Sheet Scrap		20.00		19.50		17.50	
No. 2 Heavy Melting Steel		19.00		18.50		16.50	
Dealers' No. 1 Bundles		19.00		18.50		16.50	
Mixed Borings and Turnings		18.00		17.50		15.50	
Machine Shop Turnings		15.25		14.75		14.00	
Shovelling Turnings		15.50		15.00		14.00	
No. 1 Bushelling		16.50		16.00		15.00	
No. 2 Bushelling		19.00		18.50		17.00	
Cast Iron Borings		15.50		15.00		14.00	
Uncut Structural & Plate Scrap		19.00		18.50		17.00	
No. 1 Cupola		21.00		20.50		19.00	

Grades 1:		Basing points					
		Pittsburgh, Pa.	Portland, Oreg.	Portsmouth, Ohio	Radford, Va.	St. Louis, Mo.	
No. 1 Heavy Melting Steel		\$20.00		\$19.50		\$17.50	
No. 1 Hydraulic Compressed Black Sheet Scrap		20.00		19.50		17.50	
No. 2 Heavy Melting Steel		19.00		18.50		16.50	
Dealers' No. 1 Bundles		19.00		18.50		16.50	
Mixed Borings and Turnings		18.00		17.50		15.50	
Machine Shop Turnings		15.25		14.75		14.00	
Shovelling Turnings		15.50		15.00		14.00	
No. 1 Bushelling		16.50		16.00		15.00	
No. 2 Bushelling		19.00		18.50		17.00	
Cast Iron Borings		15.50		15.00		14.00	
Uncut Structural & Plate Scrap		19.00		18.50		17.00	
No. 1 Cupola		21.00		20.50		19.00	

Grades 1:		Basing points					
		Pittsburgh, Pa.	Portland, Oreg.	Portsmouth, Ohio	Radford, Va.	St. Louis, Mo.	
No. 1 Heavy Melting Steel		\$20.00		\$19.50		\$17.50	
No. 1 Hydraulic Compressed Black Sheet Scrap		20.00		19.50		17.50	
No. 2 Heavy Melting Steel		19.00		18.50		16.50	
Dealers' No. 1 Bundles		19.00		18.50		16.50	
Mixed Borings and Turnings		18.00		17.50		15.50	
Machine Shop Turnings		15.25		14.75		14.00	
Shovelling Turnings		15.50		15.00		14.00	
No. 1 Bushelling		16.50		16.00		15.00	
No. 2 Bushelling		19.00		18.50		17.00	
Cast Iron Borings		15.50		15.00		14.00	
Uncut Structural & Plate Scrap		19.00		18.50		17.00	
No. 1 Cupola		21.00		20.50		19.00	

Grades 1:		Basing points					
		Pittsburgh, Pa.	Portland, Oreg.	Portsmouth, Ohio	Radford, Va.	St. Louis, Mo.	
No. 1 Heavy Melting Steel		\$20.00		\$19.50		\$17.50	
No. 1 Hydraulic Compressed Black Sheet Scrap		20.00		19.50		17.50	
No. 2 Heavy Melting Steel		19.00		18.50		16.50	
Dealers' No. 1 Bundles		19.00		18.50		16.50	
Mixed Borings and Turnings		18.00		17.50		15.50	
Machine Shop Turnings		15.25		14.75		14.00	
Shovelling Turnings		15.50		15.00		14.00	
No. 1 Bushelling		16.50		16.00		15.00	
No. 2 Bushelling		19.00		18.50		17.00	
Cast Iron Borings		15.50		15.00		14.00	
Uncut Structural & Plate Scrap		19.00		18.50		17.00	
No. 1 Cupola		21.00		20.50		19.00	

Grades 1:		Basing points					
		Pittsburgh, Pa.					

See footnotes at end of table.

§ 1304.16 Appendix A—Maximum prices for iron and steel scrap other than railroad scrap—(a) Basing point¹ prices from which shipping point prices and consumers' delivered prices are to be computed—Continued

Grades ²	Basing points				
	Toledo, Ohio	Warren, Ohio	Weirton, W. Va.	Worcester, Mass.	Youngstown, Ohio
No. 1 Heavy Melting Steel		\$20.00	\$20.00		\$20.00
No. 1 Hydraulic Compressed Black Sheet Scrap		20.00	20.00		20.00
No. 2 Heavy Melting Steel		19.00	19.00		19.00
Dealers' No. 1 Bundles		19.00	19.00		19.00
Dealers' No. 2 Bundles		18.00	18.00		18.00
Mixed Borings and Turnings	\$13.10	15.25	15.25		15.25
Machine Shop Turnings	13.35	15.50	15.50		15.50
Shovelling Turnings	14.35	16.50	16.50		16.50
No. 1 Busheling		19.50	19.50		19.50
No. 2 Busheling		15.50	15.50		15.50
Cast Iron Borings	13.60	15.75	15.75		15.75
Uncut Structural & Plate Scrap		19.00	19.00		19.00
No. 1 Cupola		21.00	21.00	\$22.00	21.00
Heavy Breakable Cast		19.50	19.50	20.50	19.50
Stove Plate	15.60		19.00	17.50	
Low Phos Billet & Bloom Crops		25.00	25.00		25.00
Low Phos Bar Crops & Smaller		23.00	23.00		23.00
Low Phos Punchings & Plate Scrap ³		23.00	23.00		23.00
Machinery Cast Cupola Size ⁴		22.00	22.00	23.00	22.00
No. 1 Mach. Cast, Drop-broken, 150 lbs. & under		22.50	22.50	23.50	22.50
Clean Auto Cast		22.50	22.50	23.50	22.50
Punchings & Plate Scrap ⁵		22.00	22.00		22.00
Punchings & Plate Scrap ⁶		21.00	21.00		21.00
Heavy Axle & Forge Turnings		19.50	19.50		19.50
Medium Heavy Electric Furnace Turnings		18.00	18.00		18.00

¹ A Basing Point includes its switching district.

² The grades specified are, except Dealers' No. 1 and No. 2 Bundles and Uncut Structural and Plate Scrap, as named and defined in the simplified practice recommendations R-58-36 of the Department of Commerce which shall be the governing specifications for iron and steel scrap hereunder. Dealers' No. 1 Bundles shall consist of new, clean black sheet scrap, hydraulically compressed in a dealer's yard. Dealers' No. 2 Bundles shall consist of old fender and body scrap, and shall in no case command a premium.

³ These grades represent the major classifications of iron and steel scrap. The maximum prices of superior or inferior grades shall continue to bear the same comparable relationship to those major grade classifications as heretofore existed between the prices of such superior or inferior grades and the prices of the major grades.

⁴ The Cincinnati Basing Point includes the switching district of Newport, Kentucky.

⁵ The St. Louis Basing Point includes the switching districts of Granite City, East St. Louis, and Madison, Illinois.

⁶ The San Francisco Basing Point includes the switching districts of South San Francisco, Niles and Oakland, California.

⁷ This grade is $\frac{3}{4}$ -inch and heavier, cut 12 inches and under.

⁸ This grade also may include clean agricultural cast.

⁹ This grade is under $\frac{3}{4}$ -inch to $\frac{1}{4}$ -inch, cut 12 inches and under.

¹⁰ This grade is under $\frac{1}{4}$ -inch to No. 12 gage, cut 12 inches and under.

(b) *Maximum price at shipping point.* "A shipping point" is the point from which the scrap is to be shipped to a consumer.

The maximum price at which a grade of scrap may be sold F. O. B. its point of shipment is the Shipping Point Price of such scrap.

"A shipping point price" is computed as follows:

(1) *For shipping points located within a basing point.* The price established above for the Basing Point in which the Shipping Point is located, is determined. There are then deducted from this price the actual costs involved in transporting scrap from the Shipping Point to the consumer's plant within the Basing Point which is nearest, in terms of transportation costs, to the Shipping Point; except that the Shipping Point Price within the Cincinnati Basing Point, for all grades other than No. 1 Cupola, Heavy Breakable Cast, Stove Plate, Machinery Cast, Cupola Size, No. 1 Machinery Cast, drop-broken, 150 lbs. & under, and Clean Auto Cast, shall in no case exceed the Basing Point Price of the specified grade, minus 80 cents.

(2) *For shipping points located outside a basing point.* The price established above for the Basing Point nearest, in terms of transportation charges, to the Shipping Point is determined. There is then deducted from this price the lowest established charge for trans-

porting scrap from the Shipping Point to such Basing Point. The figure thus obtained is the Shipping Point Price, with the following exceptions:

(i) The Shipping Point Price at any Shipping Point in New England, of those grades of scrap for which no prices are listed at the Basing Points established for New England in paragraph (a), hereof, shall be the Johnstown Basing Point Price as set forth in paragraph (a), hereof, minus the all-rail transportation costs from the New England Shipping Point to Johnstown. However, the Shipping Point Price at any Shipping Point in New England of those grades of scrap for which prices are listed at the Basing Points in New England established in paragraph (a), shall be computed from those New England Basing Point Prices.

(ii) Shipping Point Prices for any Shipping Point in New York City, Brooklyn, New York, and New Jersey, which, by reason of barge rates, are nearest in terms of transportation charges to the Buffalo Basing Point, shall not be computed from the Buffalo Basing Point, but shall be computed from the Bethlehem, Pennsylvania, Basing Point.

(iii) Scrap shipped from Tampa, Florida; Pensacola, Florida; Gulfport, Miss.; Mobile, Alabama; New Orleans, Louisiana; Lake Charles, Louisiana; Port Arthur, Texas; Beaumont, Texas; Galveston, Texas; Texas City, Texas; Houston, Texas; Corpus Christi, Texas; shall

have a maximum Shipping Point Price as great as, but not exceeding, \$14 per gross ton f. o. b. cars for No. 1 Heavy Melting Steel. For other grades at these points the price differentials established in paragraph (a) hereof for Birmingham, Alabama, shall apply.

(iv) In the State of Florida and in all states west of the Mississippi River, excepting Washington, whenever the Shipping Point Price of No. 2 Heavy Melting Steel Scrap, as computed above (with St. Louis price differentials for the other grades), falls below \$12.00 per gross ton at any Shipping Point, the maximum Shipping Point Price thereof at such point shall be \$12.00, and the maximum Shipping Point Prices for other grades of scrap at such point shall be computed by applying the price differentials established in paragraph (a) for St. Louis, Missouri.

(c) *Maximum prices delivered to a consumer wherever located.* The maximum price at which any grade of scrap may be delivered to the plant of a consumer wherever located is the Shipping Point Price as determined in paragraph (b) plus actual transportation charges from the Shipping Point to the consumer's plant. Where shipment is by water, actual handling charges at the dock of not more than 75 cents per gross ton may be included as a part of transportation charges, but must be shown as separate charges on all invoices. In no case, however, shall this maximum price exceed by more than one dollar the prices set forth in paragraph (a) for the Basing Point nearest, in terms of established transportation charges, to the consumer's plant, except as provided in paragraph (f).

(d) *Billet and bloom crops originating in Pittsburgh, Pa.* Where the grade of scrap classified as billet and bloom crops originates in the Pittsburgh Basing Point, it may be sold, delivered to a consumer, located within or without the Pittsburgh Basing Point, at the price established in paragraph (a), for Pittsburgh, Pa., plus not more than \$2.50 in actual transportation charges from the point of origin to the consumer's plant. In no case shall the consumer pay a sum in excess of the price established under paragraph (a), for the Pittsburgh Basing Point plus the lowest established charge for transporting the scrap from the point of origin to the consumer's plant.

(e) *Unprepared scrap.* The maximum prices established hereinabove are maximum prices for prepared scrap.

For unprepared scrap, irrespective of source, maximum prices shall be \$2.50 less than the maximum prices for the corresponding grade or grades of prepared scrap.

(f) *Remote scrap*—(1) *Definitions.* When used in this paragraph:

(i) "Remote Scrap" means all the kinds and grades of iron and steel scrap referred to in Appendix A and having a Shipping Point and a point of origin within the States of Montana, Idaho,

Wyoming, Nevada, Arizona, New Mexico, Texas, Oklahoma, Florida, or, to the extent indicated in subparagraph (ii) below, Oregon.

(ii) In the State of Oregon "remote scrap" means only the following grades: No. 1 Heavy Melting Steel, No. 1 Hydraulic Compressed Black Sheet Scrap, No. 2 Heavy Melting Steel, Dealers' No. 1 Bundles, Dealers' No. 2 Bundles, Mixed Borings and Turnings, Machine Shop Turnings, Shoveling Turnings, No. 1 Busheling, No. 2 Busheling, Cast Iron Borings, and Uncut Structural & Plate Scrap.

(iii) The Shipping Point of Remote Scrap is the point from which Remote Scrap is to be shipped, whether to consumer, dealer, broker or other person or persons.

(2) *Maximum shipping point price of remote scrap.* The maximum Shipping Point Price of Remote Scrap shall be \$12.00 for No. 2 Heavy Melting Steel Scrap and, for other grades of scrap, the maximum Shipping Point Price shall be computed by applying to the price of \$12.00 for No. 2 Heavy Melting Steel Scrap the price differentials established in paragraph (a) hereof for St. Louis.

(3) *Maximum delivered price of remote scrap.* The maximum price of Remote Scrap delivered to a consumer wherever located shall be the Shipping Point Price plus actual transportation charges from the Shipping Point to the consumer's plant as provided in paragraph (c), except that, whenever necessary to absorb transportation charges, the maximum delivered price may exceed the maximum delivered price set forth in paragraph (c) by a maximum of \$4.00. Thus the maximum delivered price for Remote Scrap shall be \$5.00 above the prices set forth in paragraph (a), for the Basing Point nearest, in terms of established transportation charges, to the consumer's plant. The consumer, however, may not exceed the maximum delivered price provided in paragraph (c) unless he conforms to the reporting requirements of subparagraph (1).

(1) No sales or purchases of Remote Scrap may be completed under the provisions of this paragraph unless the consumer of such scrap shall file, with the Office of Price Administration, Washington, D. C., (a) within 10 days following the purchase thereof, a fully detailed statement under oath setting forth the name and address of the seller, the point of shipment of the scrap, the grade, quantity and price at Shipping Point, delivery price, the name of the carrier, and the transportation charges from the Shipping Point to the consumer's plant, and (b) immediately upon delivery of such scrap, certified copies of all bills of lading covering the shipment of such scrap from the remote area to the consumer's plant. Only reports of purchases and bills of lading involving delivery of not less than one car of scrap need be filed.

(ii) Where Remote Scrap cannot be delivered to the consumer within the maximum delivered prices of Remote Scrap established in subparagraph (3), a consumer may apply to the Office of Price Administration, Washington, D. C., for permission to absorb the additional transportation charges necessary to secure such scrap. Applications by consumers must be fully detailed, including an affidavit setting forth the point of shipment of the scrap, the grade, quantity and price at Shipping Point, proposed delivery prices, the name of the carrier, and the transportation charges from the Shipping Point to the consumer's plant. The application should be accompanied by an affidavit from the consumer setting forth its need for, and its willingness to accept, such scrap at the price quoted.

Only applications for purchases which would involve actual delivery of not less than one car of scrap per month from one Shipping Point to one consumer destination will be considered.

The approval of the Office of Price Administration shall be obtained before consumers may absorb the additional transportation charge necessary to secure such scrap.

(4) *Termination of remote scrap provisions.* The provisions of subparagraph (iv) of paragraph (b) and this paragraph (f) shall become inoperative and terminated on and after December 31, 1941. Deliveries under contracts entered into pursuant to these provisions

shall be completed on or before December 31, 1941.

(g) *Maximum delivered price of machine shop turnings or related grades of turnings under an allocation order.* Whenever the Director of Priorities of the Office of Production Management shall issue an allocation order for a specified tonnage of Machine Shop Turnings or related grades of turnings, as defined in paragraph (a) and footnote 3 to paragraph (a) hereof, to be delivered to electric furnace producers of ferro alloys, such producers may pay therefor a maximum delivered price which is the sum of: (1) the Shipping Point price, as computed in paragraph (b) hereof; and (2) actual transportation charges from the Shipping Point to the plants of such producers: *Provided, however,* That where the delivered price of the turnings exceeds by more than \$1.00 the price at the Basing Point nearest the plant of such producer, no sales or purchases thereof may be completed hereunder unless such producer shall file, with the Office of Price Administration, Washington, D. C., (i) within 10 days following the purchase thereof, a fully detailed statement under oath setting forth the name and address of the seller, the point of shipment of the scrap, the grade, quantity and price at Shipping Point, delivery price, and the transportation charges from the Shipping Point to the consumer's plant, and (ii) immediately upon delivery of such scrap, certified copies of all bills of lading covering the shipment of such scrap from the Shipping Point to the consumer's plant.*

§ 1304.17 Appendix B—Maximum prices for iron and steel scrap originating from railroads—(a) Scrap originating from railroads operating in a basing point¹ named below

[All the prices given below are per gross ton]

(1) *Delivered to a consumer's plant located on the line of the railroad from which the scrap originated*

Basing points	(i) Listed grades					
	No. 1 railroad grade heavy melting steel	Scrap rails	Rails for rerolling ²	Scrap rails 3 feet and under	Scrap rails 2 feet and under	Scrap rails 18 inches and under
Ashland, Ky.	\$20.50	\$21.50	\$23.00	\$23.50	\$23.75	\$24.00
Birmingham, Ala.	18.00	19.00	20.50	21.00	21.25	21.50
Buffalo, N. Y.	20.25	21.25	22.75	23.25	23.50	23.75
Canton, Ohio	21.00	22.00	23.50	24.00	24.25	24.50
Chicago, Ill.	19.75	20.75	22.25	22.75	23.00	23.25
Cincinnati, O.	20.50	21.50	23.00	23.50	23.75	24.00
Cleveland, O.	20.50	21.50	23.00	23.50	23.75	24.00
Detroit, Mich.	18.85	19.85	21.35	21.85	22.10	22.35
Duluth, Minn.	19.00	20.00	21.50	22.00	22.25	22.50
Kansas City, Mo.	17.00	18.00	19.50	20.00	20.25	20.50
Kokomo, Ind.	19.25	20.25	21.75	22.25	22.50	22.75
Los Angeles, Calif.	18.00	19.00	20.50	21.00	21.25	21.50
Middletown, O.	20.50	21.50	23.00	23.50	23.75	24.00
Philadelphia, Pa.	19.75	20.75	22.25	22.75	23.00	23.25
Pittsburgh, Pa.	21.00	22.00	23.50	24.00	24.25	24.50
Portsmouth, O.	20.50	21.50	23.00	23.50	23.75	24.00
San Francisco, Calif.	18.00	19.00	20.50	21.00	21.25	21.50
Seattle, Wash.	15.50	16.50	18.00	18.50	18.75	19.00
Sharon, Pa.	21.00	22.00	23.50	24.00	24.25	24.50
Sparrows Point, Md.	19.75	20.75	22.25	22.75	23.00	23.25
Steubenville, O.	21.00	22.00	23.50	24.00	24.25	24.50
St. Louis, Mo.	18.50	19.50	21.00	21.50	21.75	22.00
Wheeling, W. Va.	21.00	22.00	23.50	24.00	24.25	24.50
Wilmington, Del.	19.75	20.75	22.25	22.75	23.00	23.25
Youngstown, O.	21.00	22.00	23.50	24.00	24.25	24.50

¹ Where the railroad originator of the scrap operates in two or more of the Basing Points named above, the highest of the maximum prices established above for such Basing Points shall be the maximum price of the scrap delivered to a consumer's plant at any point on the railroad's line.

² The term "rails for rerolling" includes any rails which are sold to be used for rerolling, irrespective of whether or not such rails are usable for re-laying.

(ii) *Grades not listed.* (a) The price at which a consumer located on the line of the railroad from which the scrap originated may purchase any grade of scrap not listed above shall not exceed the average price per gross ton at which such railroad sold such grade delivered to the plant of a consumer, whether located on or off the line of the railroad, during the period commencing September 1, 1940, and ending January 31, 1941, or, in case no sale was made during the period, the price at which the grade was last sold by the railroad prior thereto, and, in either event, adjusted to allow for the average grade differentials of the railroad in a manner indicated in subparagraph (b) below.

(b) For purposes of subparagraph (a) above, the maximum prices for any grade not listed in paragraph (1), (i), shall be adjusted to allow for the average grade differentials of the railroad by:

First, computing the amount of the base grade differential for the railroad which shall be the difference between the average price per gross ton at which the railroad from which the scrap originated sold No. 1 Railroad Grade Heavy Melting Steel Scrap delivered to the plant of the consumer, whether located on or off the line of the railroad, during the period commencing September 1, 1940, and ending January 31, 1941, and the railroad's maximum price established for such grade under paragraph (1), (i); and

Second, by applying this base grade differential to the price to be adjusted by either (i) subtracting the amount of such differential from such prices in case the railroad's average price of No. 1 Railroad Grade Heavy Melting Steel Scrap exceeds the railroad's maximum price established for such grade under paragraph (a), (1), or (ii) adding the same in case the railroad's average price is less than such maximum.

(2) *Delivered to a consumer's plant located off the line of the railroad from which the scrap originated.* The maximum price is either of the following, whichever is greater:

(i) The maximum price established in paragraph (1) above, for scrap delivered to a consumer on the line of the railroad from which the scrap originated, or, if the consumer can establish that he has been served by the same source of scrap in the past, this maximum price plus transportation charges (including off-the-line switching charges), from the railroads line to the consumer's plant, of not more than two dollars per gross ton for Rails for Rerolling, Scrap Axles and other scrap for rerolling, and of not more than one dollar per gross ton for all other grades of scrap; or

(ii) The prices set forth in paragraph (1), (i), above, for the Basing Point nearest the consumer's plant.

(b) *Scrap originating from railroads not operating in any of the basing points named above.* Except in the case of Rails for Rerolling, the maximum price of any grade of such scrap delivered to

consumers located on and off the line of the railroad shall not exceed:

(1) *For the grades listed above, either of the following, whichever is less:*

(i) The average price per gross ton at which the railroad originator of the scrap sold any such grade to consumers located on and off the line of the railroad during the period commencing September 1, 1940 and ending January 31, 1941; or

(ii) The price at the Basing Point nearest, in terms of transportation costs, to the consumers plant; and

(2) *For the grades not listed above, either of the following, whichever is less:*

(i) The average price per gross ton at which the railroad originator of the scrap sold any such grade to consumers located on and off the line of the railroad during the period commencing September 1, 1940 and ending January 31, 1941; or

(ii) The average price per gross ton as determined in Subparagraph (i) hereof, minus the amount by which the average price of No. 1 Railroad Grade Heavy Melting Steel scrap, as determined in (i), exceeds the price of No. 1 Railroad Grade Heavy Melting Steel scrap at the Basing Point nearest, in terms of transportation costs, to the consumer's plant.

In the case of Rails for Rerolling, the maximum price of such scrap f. o. b. the lines of the railroad originator thereof shall be the average price per gross ton at which the railroad originator sold such grade f. o. b. its line during the period commencing September 1, 1940, and ending January 31, 1941. The maximum price of Rerolling Rails shall be the f. o. b. lines price thus established plus the lowest actual charge for transporting the rails from the railroad's lines to the specific rerolling mill consumer of the rails.¹

This exception for Rails for Rerolling applies only in the case of railroads not operating in a Basing Point named in paragraph (a), (1), (i) hereof.

(c) *Scrap which cannot be identified as to origin.* The maximum price per gross ton at which a consumer may purchase, delivered at his plant, any grade of railroad scrap which cannot be identified as to origin, shall not exceed the maximum price established under Appendix A of this Schedule for the grade in which such scrap may be classified.

(d) *General provisions—(1) Unprepared scrap.*² (i) Identifiable as to Grade. The maximum prices for unprepared scrap identifiable as to grade shall be \$2.50 less than the maximum prices for the corresponding grade or grades of prepared scrap.

¹ In paragraph (b) of § 1304.7 of this Schedule the following statement appears: " * * * rerolling rails scrap must be diverted to rerolling mills and not cut for melting purposes."

² The maximum prices established hereinabove are maximum prices for prepared scrap.

(ii) Unidentifiable as to Grade. Unprepared scrap which cannot be identified as to grade (for example, a box car, a locomotive, or the like) is not subject to the maximum prices established herein until such scrap has been prepared for consumption.

(2) *Scrap prepared by a person other than a railroad.* Where scrap originates from a railroad but is broken down and prepared by a person other than the railroad and the railroad origin of such scrap is known, the maximum price at which a consumer may purchase such scrap shall be the price established above for purchases of scrap prepared by the railroad.

(e) *Maximum prices for scrap rails and rails for rerolling originating from mines, logging roads, etc.* "A shipping point" is the point from which the scrap is to be shipped to a consumer.

"The shipping point price" is the price f. o. b. the Shipping Point.

The maximum Shipping Point Price of Scrap Rails and Rails for Rerolling originating from mines, logging roads, and similar sources shall be the price set forth in paragraph (a) above for Scrap Rails and Rails for Rerolling at the Basing Point nearest, in terms of transportation charges, to the Shipping Point, minus the lowest established charge for transporting such rails from the Shipping Point to such Basing Point, except that the maximum Shipping Point Price need in no case be less than \$13.50 per gross ton for Scrap Rails and \$15.00 per gross ton for Rails for Rerolling. The maximum delivered price of such rails shall be the Shipping Point Price thus established, plus the lowest actual charge for transporting the rails from the Shipping Point to the consumer.³

§ 1304.18 Appendix C—Maximum prices for iron and steel scrap for export from the United States.

(Per Gross Ton, F. A. S. and F. O. B. Point of Export)

(a) *Other than railroad scrap.* The maximum export price of any grade of iron and steel scrap other than railroad scrap shall be the maximum Shipping Point Price derived under paragraph (b) of Appendix A, plus the actual charge for transporting the scrap from the Shipping Point to the place of export. For scrap exported by ship this maximum export price shall be F. A. S. the place of export and actual costs incident to shipment for export may be added if shown as a separate charge on the invoice. For scrap exported by means other than by ship, this maximum export price shall be F. O. B. the place of export. Commission of the domestic broker may be added as provided in § 1304.6 of this Schedule and must be shown as a separate charge on the invoice.

³ In § 1304.7 (b) of this Schedule the following statement appears: " * * * Rerolling rails scrap must be diverted to rerolling mills and not cut for melting purposes."

(b) *Scrap originating from railroads.* The maximum export price of any grade of iron and steel scrap of railroad origin shall be the maximum price established and determined under Appendix B for a consumer located on the line of the railroad originator of the scrap plus actual transportation charges from the line to the place of export. For scrap originating from a railroad not operating at a Basing Point, no transportation charges shall be added to the maximum prices of such scrap as determined under Appendix B. For scrap exported by ship these maximum export prices shall be F. A. S. the place of export and actual costs incident to shipment for export may be added if shown as a separate charge on the invoice. For scrap exported by means other than by ship, this maximum export price shall be F. O. B. the place of export. Commission of the domestic broker may be added as provided in § 1304.6 of this Schedule and must be shown as a separate charge on the invoice.*

[F. R. Doc. 41-8771; Filed, November 24, 1941; 11:45 a. m.]

[Price Schedule No. 43]

PART 1306—IRON AND STEEL

PRICE SCHEDULE FOR USED STEEL BARRELS OR DRUMS

Used steel barrels or drums play a vital role in the distribution of petroleum and its derivatives, chemicals, and foods. To prevent excessive and unwarranted price increases in the petroleum, chemical, and food industries the establishment of ceiling prices for used steel barrels is absolutely essential. The present spiraling of such prices, unless controlled effectively, is certain to have an adverse effect on the national defense and the public welfare completely out of proportion to the intrinsic value of the used barrels or drums.

It has been determined, consequently, after complete investigation and after numerous conferences with representatives of the industry, to establish maximum prices for used steel barrels or drums as a necessary protection of the public welfare and the national defense.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1306.201 *Maximum prices for used steel barrels or drums.* On and after December 1, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1306.204 hereof, no person shall sell, offer to sell, deliver or transfer, used steel barrels or drums, and no person shall buy, offer to buy, or accept delivery of used steel barrels or drums, at prices higher than the maximum prices set

forth in Appendix A hereof, incorporated herein as § 1306.210.*

*§§ 1306.201 to 1306.210, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1306.202 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1306.203 *Evasion.* The price limitation set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of a used steel barrel or drum, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1306.204 *Permission to carry out contracts entered into prior to December 1, 1941.* Any person who, prior to December 1, 1941, has entered into a contract of sale or other firm commitment calling for the delivery or transfer after that date, of one or more used steel barrels or drums, at prices higher than the maximum prices established by this Schedule, may make application to the Office of Price Administration on Form 143:1, provided for that purpose, for permission to carry out such contract or commitment at the contract price. Such permission will be granted only when necessary to protect the applicant against loss in the disposition of inventory (a) acquired prior to December 1, 1941, at prices higher than the established maximum prices and held by the applicant on that date, and (b) acquired by the applicant pursuant to permission granted by the Office of Price Administration to such applicant and his vendor under this Section. Such application shall be filed with the Office of Price Administration on or before December 15, 1941. No permission will be granted to make delivery of used steel barrels or drums on or after January 15, 1942, at prices higher than the established maximum prices.*

§ 1306.205 *Records and reports.* Every person making purchases or sales of used steel barrels or drums after December 1, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity of each kind or grade purchased or sold, and (b) the quantity of used steel barrels or drums (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1306.206 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other

provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule, and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of used steel barrels or drums, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1306.207 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1306.208 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Reconditioned steel barrel or drum" means a used steel barrel or drum which has been washed and painted, dented, chained, welded, or subjected to any other reconditioning process by which a raw barrel or drum is made fit for re-use;

(c) "Raw used steel barrel or drum" means a barrel or drum which has been emptied but which has not been subjected to any reconditioning process;

(d) "User" means the person who uses the barrel or drum as a container for the shipment or storage of his products.

§ 1306.209 *Effective date of the schedule.* This Schedule shall become effective December 1, 1941.*

§ 1306.210 *Appendix A—Maximum prices for used steel barrels or drums—*
(a) *Maximum price for reconditioned steel barrels or drums, size 50 to 55 gallons, 18 gauge.* The maximum price for reconditioned steel barrels or drums, size 50 to 55 gallons, 18 gauge, except reconditioned barrels or drums which have been lacquer-relined and baked, shall be \$2.25 per barrel or drum, delivered to a

purchaser situated within a radius of 50 miles from the plant where the barrel or drum was reconditioned: *Provided*, That for each 75 miles or fraction thereof, in excess of 50 miles from the plant where the barrel or drum was reconditioned, all actual charges for transportation or the sum of ten cents per barrel or drum, whichever is lower, may be added: *Provided further*, That where a barrel or drum is reconditioned and delivered in the States of California, Washington, and Oregon, the sum of fifty cents may be added to the above maximum charges.

(b) *Maximum price for lacquer-relined and baked drums, size 50 to 55 gallons, 18 gauge.* The maximum price for reconditioned steel barrels or drums, size 50 to 55 gallons, 18 gauge, which have been lacquer-relined and baked, shall be the maximum prices set forth in paragraph (a) above, to which may be added the sum of twenty-five cents per barrel or drum.

(c) *Maximum price for raw used drums, size 50 to 55 gallons, 18 gauge.* Except as provided in paragraph (d) below, the maximum price for raw used steel barrels or drums, size 50 to 55 gallons, 18 gauge, shall be \$1.60 per barrel or drum delivered to the plant of the user or reconditioner: *Provided*, That in the States of California, Washington, and Oregon, the sum of forty cents per barrel or drum may be added.

(d) *Maximum price for raw used drums in case of direct purchases by user.* The maximum prices for raw used steel barrels or drums, size 50 to 55 gallons, 18 gauge, purchased by a user directly from the person who empties the barrels or drums, shall be \$1.25 per barrel or drum f. o. b. point where barrel or drum is emptied: *Provided*, That in the States of California, Washington, and Oregon, the sum of 40 cents per barrel or drum may be added.

(e) *Maximum price for other reconditioned drums.* The maximum delivered price for reconditioned steel barrels or drums, other than those covered by paragraphs (a) and (b) above, shall be 80% of the delivered price, excluding extras, quoted by the Rheem Manufacturing Company, a corporation, or by the Wheeling Corrugating Company, a corporation, when delivered in carload lots, of new, black, hot-rolled steel barrels or drums of the same type and size: *Provided*, That for each 75 miles or fraction thereof in excess of 50 miles from the plant where the barrel or drum was reconditioned, all actual charges for transportation or the sum of ten cents per barrel or drum, whichever is lower, may be added.

(f) *Maximum price for other raw used drums.* The maximum delivered price for raw used steel barrels or drums, other than those covered by paragraphs (c) and (d) above, delivered to the plant of the user or reconditioner, shall be 65 cents less than the maximum price pro-

vided in paragraph (e) above for a reconditioned barrel or drum of the same size and type.*

Issued this 24th day of November 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-8768; Filed, November 24, 1941;
10:50 a. m.]

PART 1335—CHEMICALS

PRICE SCHEDULE NO. 42—PARAFFIN WAX

As a direct consequence of expanded economic activity induced by the national defense program, the demand for paraffin wax has increased greatly in the past few months. Paraffin wax is used as a coating on paper cartons for dairy products and in the manufacture of waxed and water-proofed papers, electrical insulation compositions, candles and many other important products. It is also used for such defense purposes as a coating on cartridges and a water-proofing agent for explosives.

Increased demand and speculative tendencies have caused the price of crude scale paraffin wax to rise above the price of refined paraffin wax of comparable melting points. The price of crude scale paraffin wax (122/124 A. M. P.) has increased in recent months from 2.8¢ to 6.25¢ per pound. During the year 1940, the price of such paraffin wax averaged 3.86¢ per pound.

After conferences with members of the paraffin wax industry and representatives of other government agencies, the Office of Price Administration has found that there are no justifiable reasons for prices of crude scale paraffin wax (122/124 A. M. P.) and refined paraffin wax (123/125 A. M. P.) in excess of 4.25¢ per pound and 5.20¢ per pound, respectively. Increases in such prices at this time would, therefore, be inflationary in character.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.451 *Maximum prices for paraffin wax.* On and after December 1, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer paraffin wax in quantities of 1,000 pounds or more, and no person shall buy, offer to buy or accept delivery of paraffin wax in quantities of 1,000 pounds or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.460.*

*§§ 1335.451 to 1335.460, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F. R. 1917, 4483.

§ 1335.452 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1335.453 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of paraffin wax, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of grades of paraffin wax, or otherwise.*

§ 1335.454 *Records and reports.* Every person making purchases or sales of paraffin wax in quantities of 1,000 pounds or more after December 1, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the kind and size of the containers, of the paraffin wax purchased or sold.*

§ 1335.455 *Affirmations of compliance.* On or before January 10, 1942, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month has sold paraffin wax in quantities of 1,000 pounds or more whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 142:1, containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 142:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1335.456 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of par-

affin wax, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.457 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That, no application under this section will be considered by the Office of Price Administration unless filed by persons complying with this Schedule.*

§ 1335.458 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association or other business entity;

(b) "Paraffin wax" means crude scale and refined paraffin wax of the grades listed in Appendix A hereof.*

§ 1335.459 *Effective date of the schedule.* This Schedule shall become effective December 1, 1941.*

§ 1335.460 *Appendix A—Maximum prices for paraffin wax—*(a) *More than 10,000 pounds in slack barrels and slabs loose.* The following maximum prices are established for paraffin wax of the grades listed below in quantities of 10,000 pounds or more:

	Slack barrels
(1) Crude scale (white and yellow):	
122/124 A. M. P.-----	\$0.0425
124/126 A. M. P.-----	.0425
129/131 A. M. P.-----	.0475
132 A. M. P. or higher-----	.0525
(2) Semi-refined:	
122/124 A. M. P.-----	.0425
124/126 A. M. P.-----	.0425
128 A. M. P. or higher-----	.0525
(3) Fully refined:	Slabs loose
120/122 A. M. P.-----	\$0.050
123/125 A. M. P.-----	.052
125/127 A. M. P.-----	.052
128/130 A. M. P.-----	.056
130/132 A. M. P.-----	.0585
131/133 A. M. P.-----	.0585
133/135 A. M. P.-----	.0615
135/137 A. M. P.-----	.064
138/140 A. M. P.-----	.0715
143/145 A. M. P.-----	.0810
149/151 A. M. P.-----	.1050

The above prices for paraffin wax are f. o. b. seller's shipping point¹ with freight equalized at the rate for a shipment of identical quantity over standard routes from the following basing points:

Whiting, Indiana.
New York, New York.
Philadelphia, Pa.
Texas Gulf Ports.
New Orleans, La.
Baton Rouge, La.

The maximum price which a purchaser may pay for any of the various grades of paraffin wax on this Schedule delivered to him from a seller's shipping point shall not exceed the maximum price set forth above for the particular grade plus trans-

portation charges as follows: either the transportation rate from that basing point to destination which produces the lowest transportation charge or the transportation rate from the actual shipping point to destination, whichever transportation rate is less.

(b) *Tank cars.* The maximum prices for paraffin wax sold in tank cars shall be the maximum prices established in paragraph (a) minus \$0.0005 per pound.

(c) *Less than 10,000 pounds.* For paraffin wax sold in quantities of 1,000 pounds or more, but less than 10,000 pounds, the maximum prices shall be the maximum prices set forth in sub-paragraphs (1), (2) and (3), of paragraph (a) above, plus \$0.015 per pound, delivered in the United States.

(d) *Paraffin wax sold in bags.* The maximum prices for paraffin wax sold in bags shall be the maximum prices established in paragraphs (a) or (c) above, whichever the case may be, plus \$0.004 per pound.

(e) *Paraffin wax sold in other containers.* The maximum prices for paraffin wax sold in containers other than those specified above shall be the maximum prices established in paragraphs (a) or (c) above, whichever the case may be, plus a reasonable charge for containers.*

Issued this 21st day of November 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-8705; Filed, November 21, 1941;
12:28 p. m.]

TITLE 36—PARKS AND FORESTS CHAPTER II—FOREST SERVICE

PART 261—TRESPASS

ORDER FOR THE REMOVAL OF TRESPASSING HORSES, MULES, AND BURROS IN THE SITGREAVES NATIONAL FOREST—CHEVALON RANGER DISTRICT AND HEBER COMMUNITY, PEARCE SEEP, AND PEARCE WASH ALLOTMENTS OF HEBER RANGER DISTRICT

Whereas a number of horses, mules, and burros are trespassing and grazing on land in the Chevalon Ranger District and in the western part of the Heber Ranger District, Sitgreaves National Forest, in the State of Arizona; and

Whereas these horses, mules, and burros are consuming forage needed for domestic livestock, are causing extra expense to established permittees, and are injuring national forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 35, 16 U.S.C. 551), and the Act of February 1, 1905 (33 Stat. 628, 16 U.S.C. 472), the following order for the occupancy, use, protection, and administration of land in the Chevalon Ranger District and in the Heber Ranger District, excepting the Heber Community,

Pearce Seep, and Pearce Wash Allotments, Sitgreaves National Forest, is issued:

§ 261.50 *Temporary closure from livestock grazing.* (a) The Chevalon Ranger District and the Heber Ranger District, excepting the Heber Community, Pearce Seep, and Pearce Wash Allotments, Sitgreaves National Forest, are hereby closed for the period beginning December 1, 1941, and ending February 28, 1942, to the grazing of horses, mules, and burros, except those horses, mules, and burros that are lawfully grazing on or crossing land in such allotments pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses, mules, and burros found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses, mules, and burros shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Sitgreaves National Forest is located. (30 Stat. 35, 33 Stat. 628; 16 U.S.C. 551, 472)

Done at Washington, D. C., this 21st day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 41-8722; Filed, November 22, 1941;
10:45 a. m.]

TITLE 42—PUBLIC HEALTH CHAPTER I—UNITED STATES PUBLIC HEALTH SERVICE

[Amendment No. 5]

PART 12—INTERSTATE QUARANTINE

INTERSTATE QUARANTINE REGULATIONS;
TRICHINOSIS, SHIPMENT OF GARBAGE

Pursuant to the authority contained in section 3 of the Act of February 15, 1893, 27 Stat. 450, 42 U.S.C. 92, the Interstate Quarantine Regulations of the United States, 42 CFR 12.1 etc., are hereby amended by adding trichinosis to the list of contagious and infectious diseases set forth in § 12.1, and by adding a new section numbered 12.18, which sections shall read as follows:

§ 12.1 *Contagious and infectious diseases.* For the purpose of interstate quarantine the following diseases shall be regarded as contagious and infectious diseases within the meaning of section 3 of the Act approved February 15, 1893: Plague, cholera, smallpox, typhus fever,

¹When used in this Schedule, the term "seller's shipping point" means point of manufacture or other point of distribution maintained by a manufacturer or seller.

yellow fever, typhoid fever, paratyphoid, dysentery, pulmonary tuberculosis, leprosy, scarlet fever, diphtheria, measles, whooping cough, epidemic cerebrospinal meningitis, anterior poliomyelitis, Rocky Mountain spotted or tick fever, syphilis, gonorrhea, chancroid, anthrax, influenza, pneumonia, epidemic encephalitis, septic sore throat, rubella, chicken pox, psittacosis, and trichinosis. (Sec. 3, 27 Stat. 450; 42 U.S.C. 92)

§ 12.18 *Use or shipment of garbage.* No person, firm, or corporation shall offer for shipment in interstate traffic, or shall accept for shipment or transport in interstate traffic any garbage intended to be used for feeding swine unless all particles of such garbage have been heated to a minimum temperature of 212° F., and held at that temperature at least 30 minutes in apparatus and by methods approved by the State or local health officer: *Provided*, That this requirement may be waived where such heat treatment of garbage intended for swine feeding is carried out at destination under State or local statutes, ordinances or regulations. (Sec. 3, 27 Stat. 450; 42 U.S.C. 92)

PAUL V. McNUTT,
Federal Security Administrator.

OCTOBER 11, 1941.

[F. R. Doc. 41-8769; Filed, November 24, 1941;
11:11 a. m.]

Notices

DEPARTMENT OF STATE.

SUPPLEMENT TO THE LIST OF PRODUCTS ON WHICH THE UNITED STATES WILL CONSIDER GRANTING CONCESSIONS TO ICELAND

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930", as extended by Public Resolution 61, approved April 12, 1940, and to Executive Order 6750, of June 27, 1934, public notice of intention to negotiate a trade agreement with the Government of Iceland was issued on November 17, 1941.¹ In connection with that notice, there was published a list of products² on which the United States will consider the granting of concessions to Iceland, and it was announced that concessions on products not included in the list would not be considered unless supplementary announcement were made.

I hereby announce that the product described in the attached supplement has been added to the list issued on November 17, 1941.

[SEAL]

CORDELL HULL,
Secretary of State.

NOVEMBER 19, 1941.

¹ 6 F.R. 5882.

² 6 F.R. 5883.

Supplement to the List of Products on Which the United States Will Consider Granting Concessions to Iceland

In the event that articles which are at present regarded as classifiable under the paragraph of the United States Tariff Act of 1930 and the section of the Internal Revenue Code specified below are excluded therefrom by judicial decision or otherwise prior to the conclusion of the agreement, the supplement will nevertheless be considered as including such articles.

United States Tariff Act of 1930 paragraph	Description of article	Present rate of duty
52	Herring oil.....	5¢ per gallon.

Internal Revenue Code section	Description of article	Present rate of import tax
2491 (a)	Herring oil.....	3¢ per lb.

[F. R. Doc. 41-8709; Filed, November 21, 1941;
3:32 p. m.]

Committee for Reciprocity Information.

TRADE-AGREEMENT NEGOTIATIONS WITH ICELAND

PUBLIC NOTICE

Supplement to the List of Products¹

Closing date for submission of briefs, December 8, 1941; closing date for application to be heard, December 8, 1941; public hearings open, December 15, 1941.

The Committee for Reciprocity Information hereby gives notice that all information and views in writing, and all applications for supplemental oral presentation of views, with regard to the supplement to the list of products announced by the Secretary of State on this date in connection with the negotiation of a trade agreement with the Government of Iceland, shall be submitted to the Committee for Reciprocity Information not later than 12 o'clock noon, December 8, 1941. Such communications should be addressed to "The Chairman, Committee for Reciprocity Information, Tariff Commission Building, Eighth and E Streets N.W., Washington, D. C."

A public hearing will be held, beginning at 10 a. m. on December 15, 1941, before the Committee for Reciprocity Information, in the hearing room of the Tariff Commission in the Tariff Commission Building, when supplemental oral statements will be heard with regard to herring oil.

Six copies of written statements, either typewritten or printed, shall be submit-

¹ See also Department of State, *supra*.

ted, of which one copy shall be sworn to. Appearance at hearings before the Committee may be made only by those persons who have filed written statements and who have within the time prescribed made written application for a hearing, and statements made at such hearings shall be under oath.

By direction of the Committee for Reciprocity Information this 19th day of November 1941.

E. M. WHITCOMB,
Acting Secretary.

NOVEMBER 19, 1941.

[F. R. Doc. 41-8710; Filed, November 21, 1941;
3:32 p. m.]

WAR DEPARTMENT.

[Contract No. W-740-ORD-2131]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL RAILWAY SIGNAL COMPANY, ROCHESTER, NEW YORK

Contract for: Shell, * * *, (Machining Only) and Machine Tools.

Amount: \$6,375,000.00.

Place: Rochester Ordnance District, 1238 Mercantile Building, Rochester, New York.

The Items to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority (740) Ord 22,189 P11-02 A(1005).105-02, the available balance of which is sufficient to cover cost of same.

This contract,¹ entered into this 25th day of September 1941.

ARTICLE 1. *Scope of this contract.* The Contractor shall furnish and deliver Item 1. * * * Shell * * * (Machining Only). Item 2. Machine Tools * * * for the consideration stated of six million, three hundred seventy-five thousand dollars and no cents (\$6,375,000.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

¹ Approved by the Chief of Ordnance October 28, 1941.

ART. 8. Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

ART. 16. Quantities. The Government reserves the right to increase the quantity on this contract by as much as * * * % and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

ART. 23. Termination for convenience of the government. Should conditions arise which, in the opinion of the head of the Department, make it necessary or advisable in the interest of the Government that work be discontinued under this contract, the Government may, by a notice in writing from the Contracting Officer to the contractor of its intention to terminate under this Article, terminate this contract in whole or in part.

ART. 30. Facilities. (a) In order to manufacture and deliver the supplies provided in Article 1, Item 1 of this contract the Contractor will require an addition to existing facilities, the new facilities listed in Exhibit A attached hereto and made a part hereof. The cost of these facilities has been included in the contract price under Article 1, Item 2. Hence, the Contractor shall purchase, construct or acquire these facilities for and at no additional cost to the Government. Title to these facilities shall vest in the Government upon inspection and approval by or for the Contracting Officer.

(b) As further consideration for the furnishing of supplies under this contract, the Government hereby leases to the Contractor the facilities referred to in paragraph 1 of this article, the term of this lease to commence upon the vesting of title to any of these facilities in the Government, and to continue during the period that the Contractor shall require their use for work under this contract.

(c) The Contractor shall procure and carry, at its own expense fire insurance on all property in its possession, or in the possession of any person other than the Government, title to which has vested or is about to vest in the Government.

(f) The Government shall have the right to terminate this lease by written notice at any time for violation of any of the provisions of the contract.

ART. 32. Use of Government owned machine tools and aids to manufacture. In the manufacture of the articles of munitions listed under Article 1 hereof, the use of machine tools, punches, dies, gages, jigs, fixtures, patterns, and other aids to manufacture required by the Government, is hereby approved and

agreed upon, and the price of this contract is predicated upon such use.

ART. 36. Price adjustments. (a) The unit contract prices stated in Article 1, Item 1, are subject to adjustments for changes in direct labor costs.

General. (c) It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the supplies hereunder.

This contract entered into under authority of the Act of Congress approved July 2, 1940 (Public No. 703—76th Congress), as continued in effect by the Act of Congress approved June 30, 1941 (Public No. 139—77th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8706; Filed, November 21, 1941;
3:06 p. m.]

[Contract No. W 478 ORD-28]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: SMITH & WESSON, INCORPORATED, SPRINGFIELD, MASSACHUSETTS

Contract for: Revolvers, Cal. * * * ,
* * * with Spare Parts.

Amount: \$1,170,444.71.

Place: Hartford Ordnance District, 95 State Street, Springfield, Massachusetts.

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authority, the available balance of which is sufficient to cover the cost of the same: ORD 50,149 P 021-30 A 0020-13.

This contract,¹ entered into this 10th day of September 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Revolvers, Caliber * * * with Spare Parts for the consideration stated a total price of one million, one hundred, seventy thousand, four hundred forty-four dollars and seventy-one cents (\$1,170,444.71) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such

¹ Approved by the Chief of Ordnance October 3, 1941.

part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Quantities. The Government reserves the right to increase the quantity on this contract by as much as * * * %, and at the price specified in Article 1, such option to be exercised within * * * days from date of this contract.

Termination for convenience of the Government. Should conditions arise which, in the opinion of the head of the Department, make it necessary or advisable in the interest of the Government that work be discontinued under this contract, the Government may, by a notice in writing from the contracting officer to the contractor of its intention to terminate under this Article, terminate this contract in whole or in part.

Price adjustments. The unit contract prices stated in Article 1 are subject to adjustments for changes in direct labor and materials costs.

General. It is expressly agreed that quotas for labor and material will not be altered on account of delays in the completion of the supplies hereunder unless extensions in the time for delivery are authorized by the contracting officer.

This contract is authorized by the Act of July 2, 1940 (Public No. 703, 76th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8713; Filed, November 22, 1941;
9:30 a. m.]

[Contract No. W 849 ord 2326]

SUMMARY OF COST-PLUS-A-FIXED-FEE EQUIPPING AND OPERATION CONTRACT

CONTRACTOR: SEPTON FIBRE CAN COMPANY,
ST. LOUIS, MISSOURI

Contract for: Equipping, including procurement and supervision of design, of layout, of plans for installation and of installation; preparation for operation (including training of operating personnel); and operation of a Plant for the manufacture of Fibre Containers.

Place: Memphis, Tennessee.

Estimated cost of Equipping under Title I: \$300,618.00.

Fixed-Fee for Equipping under Title I: \$12,024.72.

Estimated cost of operation of Plant under Title III: \$679,604.65.

Fixed-Fee for Operation under Title III: \$27,184.19.

This equipment, supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of same: ORD 15, 594 P11-02 A (1005).105-01.

This contract,¹ entered into this 27th day of August 1941.

TITLE I—Selecting and Equipping Plant

ARTICLE I-A. *Statement of work.* The Contractor shall, in the shortest reasonable time, select and lease an appropriate building or buildings, procure and install equipment (including plans, designs, labor, materials, tools, machinery and facilities necessary for such installation there); shall furnish supplies not furnished by the Government and services; train the necessary personnel to operate the plant; and do all things necessary for the accomplishment of the above purposes in connection with equipping said plant (hereinafter referred to as "the Plant") which will be equipped for the manufacture of U. S. Army Fibre Containers. The purchase of this machinery shall be subject to the approval in advance of the Contracting Officer. The lease of said building or buildings shall be submitted to the Contracting Officer for approval prior to execution thereof.

ART. I-B. *Estimates.* It is estimated that the total cost of the work under this Title I of this contract will be approximately \$300,618.00 exclusive of the Contractor's fee.

ART. I-C. *Consideration.* In consideration for the Contractor's undertaking under this Title I, the Contractor shall receive the following:

(a) Reimbursement for expenditures as provided in Title IV;

(b) A fixed fee in the amount of \$12,024.72 which shall constitute complete compensation for the contractor's services, including profit.

TITLE II—Lease

ARTICLE II-A. *Subject matter.* As additional consideration for the Contractor's undertaking of the work under this contract, the Government hereby leases to the Contractor all machinery (including special equipment therefor) and miscellaneous factory equipment (all of which are hereinafter referred to, collectively, as "Manufacturing Facilities"), mentioned in Title I of this contract and listed in Appendix A.

The Contractor shall maintain and keep in repair all of the Manufacturing Facilities referred to in this Article.

ART. II-B. *Term.* The term of this lease shall begin on the date of acceptance by the Government of the facilities purchased under Title I, which date shall be certified by the Contracting Officer

and shall terminate contemporaneously with the termination of this contract or any extension thereof.

TITLE III—Operation

ARTICLE III-A. *Statement of work.* The Contractor shall operate the plant for and on account of the Government and shall do all things necessary for its complete management, operation, servicing and maintenance, including the purchase of supplies, the hiring and training of personnel, the repair or replacement of equipment and facilities.

ART. III-B. *Estimates.* It is estimated that the total cost of the work described and authorized to date under Article III-A of this Title will be \$679,604.65, exclusive of the Contractor's fee.

ART. III-C. *Consideration.* In consideration for the Contractor's undertaking under this Title III, the Contractor shall receive the following:

(a) Reimbursement for expenditures as provided in Title IV.

(b) A fixed fee in the amount of \$27,184.19 as complete compensation, except for possible profit to be derived in accordance with paragraph 3 of this Article, for performance of the work described in Article III-A of this Title.

TITLE IV—Cost of the Work and Payment Therefor

ARTICLE IV-B. *Payments:*

Reimbursement for cost. 1. a. The Government will currently reimburse the Contractor for expenditures made in accordance with Article IV-A of this Title IV, upon certification and delivery to and verification by the Contracting Officer of the original signed pay rolls for labor, the original receipted invoices for materials, equipment, etc., or other documentary accounting papers satisfactory to the Contracting Officer. Reimbursement will be made as promptly as possible, generally weekly, but may be made at more frequent intervals if the conditions so warrant. All payments made under this paragraph of section 1 shall be subject to the provisions of Article IV-C.

Payment of the fixed-fees. 2. a. The fixed-fee provided for in Article I-C of Title I shall be paid in partial payments, less ten percent (10%) of each such partial payment as it accrues.

b. The fixed-fee provided for in Article III-C of Title III shall be paid monthly as it accrues, dependent upon the quantities and types of fiber containers produced and accepted, as follows:

• • •	-----	\$*	• • •	per 1,000
• • •	-----	\$*	• • •	per 1,000
• • •	-----	\$*	• • •	per 1,000
• • •	-----	\$*	• • •	per 1,000

Final payment. 4. Upon completion of the work under Title I and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Title IV hereof, and of the fees.

ART. IV-C. *Advances.* At any time, and from time to time, after the execution of this contract the Government, at the request of the Contractor, and subject to the approval of the Chief of Ordnance as to the necessity therefor, shall advance to the Contractor without payment of interest thereon by the Contractor, a sum or sums not in excess of thirty percent (30%) of the estimated cost of the work under this contract.

TITLE V—Termination

ARTICLE V-A. *Termination by Government.* The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Contractor.

TITLE VI—General

ARTICLE VI-C. *Changes.* The Contracting Officer may at any time after consultation with the Contractor, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. VI-D. *Title.* The title to all work, completed or in the course of construction, preparation or manufacture shall be in the Government. Likewise, upon delivery at the site of the work, at an approved storage site or other place approved by the Contracting Officer and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under Title IV hereof shall vest in the Government.

This contract is authorized by the following law: Act of July 2, 1940 (Public No. 703, 76th Cong.)

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8714; Filed, November 22, 1941; 9:30 a. m.]

[Contract No. W 398 qm-10326; O. I. 4670]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: THE WHITE MOTOR COMPANY,
CLEVELAND, OHIO

Contract for: Trucks * * *

Amount: \$2,546,060.00.

Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 12th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Trucks; total, \$2,546,060.00 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and

¹ Approved by the Under Secretary of War October 18, 1941.

specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Terms of payment. Discount will be allowed for prompt payment as follows: 10 calendar days * * * per vehicle.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority:

ORD 9783 P 11-30 A 1005-01
QM 15915 P 37-30 A 0525.003-12

the available balance of which is sufficient to cover cost of same.

This contract authorized by section (1) a Act of July 2, 1940 (Public No. 703, 76th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8738; Filed, November 24, 1941;
9:35 a. m.]

[Contract No. W 953 ORD 1987]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: COLT'S PATENT FIRE ARMS
MFG. COMPANY, HARTFORD, CONNECTI-
CUT

Contract for: * * * Guns, Auto-
matic, * * *, and Spare Parts
thereof.

Amount: \$1,918,108.64.

Place: Watervliet Arsenal, Watervliet,
New York.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement au-

thorities shown below, the available balances of which are sufficient to cover the cost thereof:

O. S. & S. A. 1940-41 (953) ORD
9283 P2-30 A 1005-01.

O. S. & S. A. 1940-41 (953) ORD
15002 P11-30 A (1005) .105-01.

This contract, entered into this 10th day of September 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Guns, Automatic, * * *, * * * Sets of Spares as listed herein for the consideration stated \$1,918,108.64.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Ninety percent (90%) of the contract price of each completed item will be paid after function firing at the contractor's plant. Final payment will be made upon acceptance after proof firing and final inspection * * *.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8739; Filed, November 24, 1941;
9:35 a. m.]

[Contract No. W 911-Eng.-533]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: C. S. LAMBIE & COMPANY,
W. S. MOSS AND HOLLAND PAGE; AMA-
RILLO, TEXAS

Contract for: Construction of Advanced Twin-Engine Flying School.

Amount: \$3,973,365.58 (approximate).

Place: Lubbock, Texas.

Proc. Auth.: Eng.-941 P 99 A-0540-12.

This contract, entered into this 28th day of June 1941.

ARTICLE 1. Statement of work. The contractor shall furnish the materials, and perform the work for the construction of temporary buildings and facilities and flying field for the Advanced Twin-Engine School at Lubbock, Texas, for the consideration stated \$3,973,365.58 (approx.) in strict accordance with the specifications, schedules, and drawings which have been furnished the contractor, all of which are made a part hereof.

ART. 3. Changes. The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

ART. 9. Delays—Damages. If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. If the Government does not terminate the right of the contractor to proceed, the contractor shall continue the work, in which event the actual damages for the delay will be impossible to determine and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof.

ART. 16. Payments to contractors. Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

¹ Approved by the Under Secretary of War August 22, 1941.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

This contract is authorized by the acts of April 5, 1941 (9th Suppl. Nat. Defense Appr. Act, 1941)

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8740; Filed, November 24, 1941;
9:36 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1154]

PETITION OF DISTRICT BOARD NO. 10 FOR A CHANGE IN THE PRICE EXCEPTION APPLICABLE TO THE COALS OF MINE INDEX NO. 125 FOR RAILROAD LOCOMOTIVE FUEL AND FOR A CHANGE IN PRICE EXCEPTION NO. 23 FOR RAILROAD LOCOMOTIVE FUEL IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10, FOR ALL SHIPMENTS EXCEPT TRUCK

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 6, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to per-

sons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 31, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 10 for a change in the price exception applicable to the coals of Mine Index No. 125 for railroad locomotive fuel use from Price Exception 1-H now applicable to such coals to Price Exception 1-J; and for a change in Price Exception 23 for railroad locomotive fuel in the Schedule of Effective Minimum Prices for District No. 10, For All Shipments Except Truck, so that producers may absorb the actual switching charge but not to exceed 18 cents per ton on railroad locomotive fuel for the Illinois Terminal Railroad instead of the 16 cents per ton absorption now permitted by that rule.

It is further ordered, That, a reasonable showing of necessity having been made, pending final disposition of the above matter, temporary relief be and the same hereby is granted as follows: Commencing forthwith Price Exception 1-J in the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck applies to the coals of Mine Index No. 125 for railroad locomotive fuel use instead of Price Exception 1-H heretofore applicable to these coals; and Price Exception 23 for railroad locomotive fuel in the aforesaid Schedule is temporarily amended to read as follows: "The producer may absorb the actual switching charge but not to exceed 18 cents per ton on railroad locomotive fuel for the Illinois Terminal Railroad."

Notice is hereby given that applications to stay, modify or terminate the temporary relief granted in this Order may be filed in accordance with the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Act.

Nothing herein shall be deemed to constitute an opinion concerning the final disposition of the original petition.
Dated: November 19, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8750; Filed, November 24, 1941;
10:03 a. m.]

[Docket No. B-2]

IN THE MATTER OF BURNS FUEL COMPANY,
REGISTERED DISTRIBUTOR, REGISTRATION
No. 1285, RESPONDENT

ORDER AMENDING NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division (the "Division") having issued a Notice of and Order for Hearing dated October 9, 1941, in the above-entitled matter to determine whether or not the Burns Fuel Company, Registered Distributor, Registration No. 1285, has violated any provisions of the Bituminous Coal Act (the "Act"), the Code, the Marketing Rules and Regulations (the "Marketing Rules"), Rules and Regulations for the Registration of Distributors, (the "Distributors' Rules"), and the Distributor's Agreement (the "Agreement"), executed August 17, 1940, or any orders or regulations of the Division, and whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

Now, therefore, it is ordered, That the Notice of and Order for Hearing dated October 9, 1941 in the above-entitled matter be and it is hereby amended by striking therefrom paragraphs numbered 2, 3, 4, 5, 6 and 7 and inserting in lieu thereof paragraphs numbered 2, 3, 4, 5, 6, 7, 8, 9 and 10 as follows:

2. That Mike Burns was, and still is, at all the times referred to herein, operating under the firm name and style of Burns Fuel Company and acting in the capacity of a distributor, as defined in the Distributors' Rules.

3. The respondent during the month of November 1940, sold to the Victor Chemical Company, Mt. Pleasant, Tennessee, 2 cars of 3' x 1 1/4" nut, which the respondent invoiced as 2' x 1 1/4" nut, at a price of \$1.60 per net ton f. o. b. said mine, whereas the applicable effective minimum price therefor was \$1.70 per net ton f. o. b. said mine. Said coal was produced by the Luton Mining Company at its Luton Mine, Mine Index No. 77, District No. 9.

4. The selling of the coal described in paragraph 3 hereof constituted a violation of sections 4 II (e) and 4 II (h) of the Act, the Distributors' Rules, and paragraph (b) of the Agreement.

5. The false statement in invoicing said coal, as referred to in paragraph 3 hereof, constituted a violation of Rule 2 of section XII of the Marketing Rules and paragraph (e) of the Agreement.

6. Mike Burns was, and is the sole owner, and operates under the firm name and style of Burns Coal Company of Nashville, Tennessee, as a retailer, and in the application for registration as a distributor of coal under the firm name and style of Burns Fuel Company, which was filed with the Division as referred to in paragraph 1 hereof, failed to state as required on pages 5 and 6 of such application and § 304.11 (c) (6) of the Distributors' Rules that the respondent was affiliated with said retailer. The failure to state this affiliation constituted a violation of paragraph (f) of the Agreement.

7. The respondent during the period October 18, 1940 to March 14, 1941, both dates inclusive, purchased approximately 38 cars of coal of various sizes produced by the Flat Creek Coal Company, Flat Creek Mine, Mine Index No. 30, District No. 9; Providence Coal Mining Company, Providence Mine No. 3, Mine Index No. 65, District No. 9; Bardo Coal Mining Company, Bardo Mine, Mine Index No. 30, District No. 8; Moore Coal Company, Moore Mine, Mine Index No. 344, District No. 8; and Algoma Block Coal Company, Algoma Mine, Mine Index No. 7, District No. 8; which coal the respondent resold to said Burns Coal Company, and accepted and retained discounts from the effective minimum prices of said coal.

8. The transactions referred to in paragraph 7 hereof were entered into between the respondent and the Burns Coal Company primarily for the purpose of enriching the respondent and when, except for the incidence of section 4 II (h) of the Act, the consumer would have purchased directly from a code member, and were, therefore, in violation of paragraph (g) of the Agreement.

9. (a) The acceptance of a distributor's discount by the respondent on the coal purchased as referred to in paragraph 7 hereof, under circumstances whereby this coal was retailed by said Burns Coal Company, was in violation of § 304.19 (a) of the Distributors' Rules; or (b) the acceptance of a distributor's discount by the respondent on the coal purchased as referred to in paragraph 7 hereof and resold to a retailer, Burns Coal Company, which owns or financially or otherwise controls said respondent, was in violation of § 304.19 (c) of the Distributors' Rules.

10. The transactions referred to in paragraph 7 hereof concern sales to or through a broker, jobber, commission account, or sales agency, which is in fact or in effect an agency or an instrumentality of a retailer, whereby they or any of them secure either directly or indirectly a discount, dividend, allowance or rebates or a price other than that determined in the manner prescribed by the Act, and were, therefore, in violation of section 4 II (i) 12 of the Act, and Rule 12 of section XIII of the Marketing Rules.

It is further ordered, That the Notice of and Order for Hearing dated October 9, 1941, as amended, be renewed in all other respects.

Dated: November 19, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8751; Filed, November 24, 1941;
10:03 a. m.]

[Docket No. 1852-FD]

IN THE MATTER OF ROBERT L. SCOTT, TRADING AS ROBERT L. SCOTT COAL COMPANY, CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARING AND REDESIGNATING EXAMINER

The above-entitled matter having been scheduled for hearing at 10 o'clock in the forenoon of November 24, 1941 in the hearing room of the Bituminous Coal Division at the Craig County Court, Vinita, Oklahoma; and

Robert L. Scott, Vinita, Oklahoma, H. C. DeMunbrun, Vinita, Oklahoma, and E. G. Bennett, Vinita, Oklahoma heretofore having been duly served with subpoenas requiring each of them to testify and give evidence in the above-entitled matter and to produce and bring with each of them certain books and records; and

The Director deeming it advisable to postpone said hearing to December 12, 1941;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same hereby is, postponed to December 12, 1941 at 10 a. m. in the hearing room of the Bituminous Coal Division at the District Court Rm., Vinita, Okla.; and

It is further ordered, That Scott A. Dahlquist or any other officer of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in the above-entitled matter, vice Joseph D. Dermody; and

It is further ordered, That Robert L. Scott, Vinita, Oklahoma, H. C. DeMunbrun, Vinita, Oklahoma, and E. G. Bennett, Vinita, Oklahoma, appear before the designated officers at the latter named place of hearing at 10 o'clock in the forenoon of December 12, 1941 as theretofore directed in said subpoenas.

Dated: November 21, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8752; Filed, November 24, 1941;
10:03 a. m.]

[Docket No. 1771-FD]

IN THE MATTER OF LITER COAL COMPANY, DEFENDANT

CEASE AND DESIST ORDER

District Board 12 having filed a complaint with the Bituminous Coal Division on July 12, 1941, pursuant to the pro-

visions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging willful violation by Liter Coal Company, a code member in District 12, of the Bituminous Coal Code and the rules and regulations thereunder as follows:

That the defendant on various dates since October 1, 1940, sold a considerable number of tons of screenings, produced by the defendant at its mine (Mine Index No. 27) located in Marion County, Iowa, in District 12, at prices 25 cents below the effective minimum prices for such coals;

The defendant having filed an answer; Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter having been held on September 15, 1941, before a duly designated Examiner of the Division, at a hearing room thereof in Des Moines, Iowa, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The parties to this proceeding having waived the preparation and filing of a report by the Examiner and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusion of Law and having rendered an Opinion in this matter, which are filed herewith;¹

Now, therefore, it is ordered, That the defendant, Liter Coal Company, its representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in its behalf, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal produced by the defendant at prices less than the applicable effective minimum prices established therefor, contrary to the Bituminous Coal Act of 1937, or any rules and regulations promulgated thereunder, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments, and the Marketing Rules and Regulations.

It is further ordered, That if the defendant fails to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States within any circuit where the defendant carries on business for the enforcement hereof.

Dated: November 21, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8753; Filed, November 24, 1941;
10:03 a. m.]

[Docket No. 1724-FD]

IN THE MATTER OF W. T. NELSON (NELSON COAL COMPANY), DEFENDANT

CEASE AND DESIST ORDER

District Board 12 having filed a complaint with the Bituminous Coal Division

¹ Not filed with the original document.

on May 17, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging willful violation by W. T. Nelson (Nelson Coal Company), a code member in District 12, of the Bituminous Coal Code and the rules and regulations thereunder as follows:

That the defendant after October 1, 1940, sold 1,500 or more tons of various sizes of coal, produced by the defendant at his mine (Mine Index No. 72) located in Marion County, Iowa, at prices 25 cents below the effective minimum prices for such coals;

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter having been held on September 11, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Des Moines, Iowa, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The parties to this proceeding having waived the preparation and filing of a report by the Examiner and the record in the proceeding thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law, and having rendered an Opinion in this matter which are filed herewith;¹

Now, therefore, it is ordered, That the defendant, his representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in his behalf, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal produced by the defendant at less than the applicable effective minimum prices established therefor, contrary to the Bituminous Coal Act of 1937 or any rules and regulations promulgated thereunder, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments, and Marketing Rules and Regulations.

It is further ordered, That if the defendant fails to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States within any circuit where the defendant carries on business for the enforcement hereof.

Dated: November 21, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8754; Filed, November 24, 1941;
10:03 a. m.]

¹ Not filed with the original document.

[Docket No. A-607]

PETITION OF JOHN TAYLOR FOR A CHANGE IN MINIMUM PRICES FOR THE COALS OF THE JOHN AND EARL SCOTT MINE (MINE INDEX NO. 1262) OF JOHN TAYLOR, A PRODUCER IN DISTRICT 8, FOR TRUCK SHIPMENT

ORDER TO SHOW CAUSE WHY PETITION SHOULD NOT BE DISMISSED

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed on February 25, 1941, with this Division by the above-named party requesting a change in minimum prices for the coals produced at the John and Earl Scott Mine (Mine Index No. 1262) of John Taylor, a producer in District 8, for truck shipment.

Subsequently a request for a change in the minimum prices heretofore established for the coals of this mine was included in a petition filed by District Board No. 8 and designated by the Division as Docket No. A-991. The original petitioner in the above-entitled docket was advised by letter of October 29, 1941, of the inclusion in Docket No. A-991 of a request for a change in the prices heretofore established for the coals of his mine and was asked whether he wished to withdraw his original petition in the above-entitled docket.

No answer to this inquiry or any other communication has been received from the petitioner since the filing of the original petition herein. Apparently petitioner in the foregoing matter has no further interest in this proceeding.

Now, therefore, it is ordered, That the petitioner be required to show cause why the foregoing proceeding should not be dismissed at a hearing before Joseph A. Huston or any other officer of the Division duly designated to preside at such hearing on January 6, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held. The dismissal of any proceedings pursuant to this Order, however, shall be without prejudice to the right of the aforesaid petitioner to file a petition with the Division in regard to the same matter pursuant to the Rules and Regulations of the Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: November 19, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8755; Filed, November 24, 1941;
10:04 a. m.]

[Docket No. 1654-FD]

IN THE MATTER OF F. E. JACKSON (F. E. JACKSON SAND & COAL COMPANY),
REGISTERED DISTRIBUTOR, REGISTRATION
No. 4728, RESPONDENT

ORDER SUSPENDING REGISTRATION OF
DISTRIBUTOR

This proceeding having been instituted by the Bituminous Coal Division pursuant to the provisions of the Bituminous Coal Act of 1937 and the Rules and Regulations for the Registration of Distributors, to determine whether F. E. Jackson (F. E. Jackson Sand & Coal Company), a registered distributor, Registration No. 4728, 411 S. W. 9th Street, Des Moines, Iowa, the respondent, has violated the Act, the Rules and Regulations for the Registration of Distributors, the Marketing Rules and Regulations, and the Agreement by Registered Distributor executed by the respondent on October 5, 1940, by accepting and retaining distributor's discounts from the effective minimum prices on coals purchased in less than carload lot quantities, handled physically by the respondent, and resold at retail in less than cargo or carload lot quantities, and by accepting discounts in excess of the maximum allowable discounts from the effective minimum prices;

Pursuant to Notice of and Order for Hearing, a hearing in this matter having been held before a duly designated Examiner of the Division at a hearing room thereof in Des Moines, Iowa, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross examine witnesses, and otherwise be heard and the respondent having appeared thereat;

The preparation and filing of a report by the Examiner having been waived, the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;¹

Now, therefore, it is ordered, That the registration of F. E. Jackson (F. E. Jackson Sand & Coal Company), as a registered distributor (Registration No. 4728) be and it hereby is suspended for a period of ninety (90) days beginning with the date of this Order.

It is further ordered, That the effect of such suspension shall not be evaded directly or indirectly by the use of any device such as a sales agency agreement or any other device, and that such suspension shall not excuse the respondent from the duties and functions imposed upon him by the Bituminous Coal Act of 1937 and the Rules, Regulations, and Orders thereunder.

It is further ordered, That as a condition to reinstatement in accordance with § 304.15 of the Distributors' Rules, the respondent shall submit, at least five days prior to the expiration of the suspension period, to the Director of the Division an affidavit verifying that during the period of his suspension said respondent has neither directly nor indirectly transacted business as a registered distributor, nor received nor been promised any discount which distributors are entitled to receive by virtue of registration.

It is further ordered, That the respondent return to the producers all improperly collected discounts and that a statement by the respondent that such refunds have been made shall be included in the affidavit filed by the respondent pursuant to § 304.15 of the Distributors' Rules.

Dated, November 21, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8756; Filed, November 24, 1941;
10:04 a. m.]

[Docket No. 1775-FD]

IN THE MATTER OF ARCHIE J. HENDRICKSON
(RUNNELS COAL CO.) DEFENDANT

ORDER APPROVING AND ADOPTING EXAMINER'S
REPORT AND REVOKING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 12, complainant, alleging wilful violation by Archie J. Hendrickson (Runnells Coal Company), a code member in District 12, the defendant, of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant with full knowledge of the requirements contained in the Effective Price Schedule for District No. 12 for Truck Shipments and with intent to violate the same and in violation thereof, sold for truck shipments, between October 1, 1940, and July 2, 1941, several truck loads of screenings or small egg coal produced at the defendant's mine (Mine Index No. 332) in District 12, shipping via truck to the Des Moines Electric Light Company, or to Thomas Smith for delivery to the Light Company at its plant in Des Moines, Iowa, at prices lower than the effective minimum f. o. b. mine price for such coal;

Pursuant to an Order of the Director and after notice to all interested persons, a hearing having been held in this matter on September 15, 1941, before W. A. Shipman, a duly designated Examiner of the Division at a hearing room thereof;

All interested persons having been afforded an opportunity to be present at the hearing, to adduce evidence, cross-examine witnesses and otherwise be heard;

The Examiner having made and entered his Proposed Findings of Fact, Conclusions of Law and Recommendations in the above proceeding dated October 14, 1941, recommending that the code membership of the defendant be revoked and cancelled;

An opportunity having been afforded to the defendant to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having considered this matter and having determined that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

It is, therefore, ordered, That the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner be and they are hereby adopted as the Findings of Fact and Conclusions of Law of the Director;

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of the defendant, Archie J. Hendrickson (Runnells Coal Co.), be and the same is hereby revoked and cancelled;

It is further ordered, That, prior to any reinstatement of the defendant, Archie J. Hendrickson (Runnells Coal Co.), to code membership in the Code, he shall pay to the United States a tax in the amount of \$35.10, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: November 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8757; Filed, November 24, 1941;
10:04 a. m.]

[Docket No. 1547-FD]

PETITION OF MARIANNA SMOKELESS COAL
COMPANY TO MODIFY THE WESTERN
BOUNDARY OF DISTRICT 7 TO INCLUDE
MINE INDEX NO. 588 THEREIN

ORDER GRANTING RELIEF

A petition having been filed pursuant to section 4 I (a) of the Bituminous Coal Act of 1937 with the Bituminous Coal Division by the Marianna Smokeless Coal Company, a code member of District 7, seeking a change in the boundaries between Districts 7 and 8 so that petitioner's #1 Mine (Mine Index No. 588, as of District 8) will be included within District 7;

A petition of intervention having been filed by District Board 7 in support of the relief requested in the original petition;

A hearing having been held in this matter, pursuant to an Order of the Director and after notice to all interested persons before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., and all interested persons having been afforded an opportunity to be present, adduce

evidence, cross-examine witnesses and otherwise be heard;

The parties to this proceeding having waived the preparation and filing of a report by the Examiner, and the record thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an opinion in this matter, which are filed herewith;¹

Now, therefore, it is ordered, That the boundaries and limits of Districts 7 and 8, as defined in the "Schedule of Districts" annexed to the Act, in so far as including Wyoming County, West Virginia, be and the same are hereby amended to read as follows:

District 7: Wyoming County, that portion served by the Gilbert branch of the Virginian Railway lying east of and including the town of Marianna, and that portion served by the main line and the Glen Rogers branch of the Virginian Railway.

District 8: Wyoming County, that portion served by the Gilbert branch of the Virginian Railway lying west of the town of Marianna, West Virginia.

It is further ordered, That Mine Index No. 588 and Freight Origin Group 230, presently applicable to the #1 Mine as of District 8, be and they are hereby cancelled; and, as located in District 7, the #1 Mine of the Marianna Smokeless Coal Company be and the same is hereby given Mine Index No. 266 and placed in Freight Origin Group 14, with the shipping point at Marianna, West Virginia, on the Virginian Railway.

Dated: November 21, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8758; Filed, November 24, 1941;
10:04 a. m.]

[Docket No. 1715-FD]

IN THE MATTER OF STEVE SVONAVEC,
DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATION OF THE EXAMINER, AND CEASE AND DESIST ORDER

A complaint pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on April 26, 1941, by the Bituminous Coal Producers' Board for District No. 1, alleging that Steve Svonavec, a code member in District No. 1, had wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder and praying that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder;

¹ Not filed with the original document.

A hearing having been held before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof, in Clearfield, Pennsylvania, on August 16, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated October 15, 1941, in which it was recommended that an order be entered directing the defendant to cease and desist from violating the Act, the Code, the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, and the Marketing Rules and Regulations;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having determined after consideration of the record that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That the defendant, Steve Svonavec, his representatives, agents, servants, employees, and attorneys, and all persons acting and claiming to act in his behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the prescribed minimum price therefor, and from violating the Bituminous Coal Act, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 1 For Truck Shipments, and the Marketing Rules and Regulations.

It is further ordered, That the Division may, upon the failure of the defendant herein to comply with this order, forthwith apply to the Circuit Court of Appeals of the United States within any circuit where the defendant carries on business for the enforcement thereof or take any other appropriate action.

Dated: November 21, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8759; Filed, November 24, 1941;
10:04 a. m.]

[Docket No. 1667-FD]

IN THE MATTER OF NEW DEAL COAL COMPANY, (JAMES LENNIE, JR.), DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bitumi-

nous Coal Division on April 24, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 12, alleging that the New Deal Coal Company, the defendant, a code member in District 12, had wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder by selling, during the period between October 1, 1940, and April 1, 1941, a substantial tonnage of screenings produced at its mine (Mine Index No. 528), located near Albia, Iowa, at a minimum price f. o. b. the mine of \$1.00 per ton, whereas the effective minimum price for such coals is \$1.60 per ton f. o. b. the mine, and praying that the Division either cancel and revoke the defendant's code membership, or, in its discretion, direct the defendant to cease and desist from violation of the Code and rules and regulations thereunder;

A hearing in this matter having been held on September 6, 1941, before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Oskaloosa, Iowa;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation in this matter, dated October 13, 1941, in which it was recommended that the defendant's code membership be revoked and cancelled;

An opportunity having been afforded to all parties to file exceptions to the Examiner's Report and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having determined after a consideration of the record that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is, therefore, ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to Section 5 (b) of the Act, the code membership of the defendant, New Deal Coal Company (James Lennie, Jr.), operating Mine Index No. 528, located in Marion County, Iowa, be and it is hereby revoked and cancelled;

And it is further ordered, That prior to any reinstatement of the defendant, New Deal Coal Company, or any of the partners thereof, James Lennie, Jr. or Hensel Wagaman, to membership in the Code, the defendant or any of the partners therein shall pay to the United States a tax in the amount of \$304.08, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: November 19, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8760; Filed, November 24, 1941;
10:05 a. m.]

[Docket No. 1728-FD]

IN THE MATTER OF JOHNS COAL COMPANY, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATION OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division by the Bituminous Coal Producers Board for District No. 12 pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging that Johns Coal Company, a partnership composed of John Pokone, Charles Serterh, and George Serterh, a code member in District 12, had wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder by selling from October 1, 1940, to May 10, 1941, 350 or more tons of coal of several sizes produced at its mine (Mine Index No. 351) at prices less than the effective minimum prices established for such coal f. o. b. the mine as shown by the Schedule of Effective Minimum Prices for District No. 12 For Truck Shipments, and praying that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violation of the Code and rules and regulations thereunder;

A hearing having been held before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof, in Oskaloosa, Iowa, on September 5, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated October 13, 1941, in which it was recommended that the defendant's code membership be revoked and cancelled;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions or supporting briefs having been filed;

The undersigned having determined after consideration of the record that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of the defendant, Johns Coal Company, a partnership, operating Mine Index No. 351 in Wapello County, Iowa, be and it is hereby revoked and cancelled;

It is further ordered, That prior to any reinstatement of the defendant, Johns Coal Company, or any of its partners, John Pokone, Charles Serterh, and George Serterh, to membership in the

Code, the defendant or any of its partners shall pay to the United States a tax in the amount of \$347.04 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: November 19, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8761; Filed, November 24, 1941;
10:05 a. m.]

[Docket No. 1676-FD]

IN THE MATTER OF BOYLES COAL COMPANY, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATION OF THE EXAMINER AND CEASE AND DESIST ORDER

A complaint pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on April 18, 1941, by the Bituminous Coal Producers' Board for District No. 12, alleging that Boyles Coal Company, defendant, a code member in District No. 12, had wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder and praying that the Division either cancel and revoke defendant's code membership or, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder.

A hearing having been held before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof, in Oskaloosa, Iowa, on September 6, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated October 18, 1941, in which it was recommended that an order be entered directing the defendant to cease and desist from violating the Act, the Code, the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments, and the Marketing Rules and Regulations;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions or supporting briefs having been filed;

The undersigned having considered this matter and having determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be

and they hereby are adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That the defendant, Dominick Cora, doing business as the Boyles Coal Company, his representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in his behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the prescribed minimum price therefor, and from violating the Bituminous Coal Act, the Code, the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments, and the Marketing Rules and Regulations.

It is further ordered, That the Division may, upon the failure of the defendant herein to comply with this order, forthwith apply to the Circuit Court of Appeals of the United States within any circuit where the defendant carries on business for enforcement thereof or take any other appropriate action.

Dated: November 19, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8762; Filed, November 24, 1941;
10:05 a. m.]

[Docket No. A-150]

PETITION OF BEAR CANON COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 17, FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR PETITIONER'S COALS IN SIZE GROUPS 2, 3, 5, 7, 9, 17, AND 19, FOR SHIPMENT INTO MARKET AREAS 215, 217-223, 244-246

MEMORANDUM OPINION AND ORDER DENYING PETITION FOR RECONSIDERATION

This proceeding was instituted upon a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by Bear Canon Coal Company, a code member in District 17, operating the Bear Canon No. 6 Mine (Mine Index No. 9). The petitioner sought modification of effective minimum prices of the coals of the Bear Canon No. 6 Mine, permission to absorb certain freight transportation charges, and reclassification of the petitioner's mine from Subdistrict 7 to Subdistrict 8.

After due notice to all interested persons and pursuant to orders of the Director, a hearing in this matter was held before a duly designated Examiner of the Division. Thereafter, on August 2, 1941, Examiner C. Rollin Larrabee submitted his Proposed Findings of Fact and Conclusions of Law herein, recommending that an order be entered denying the petitioner's prayer for relief, reserving, however, for disposition in Docket No. A-174, the question of reclassification of the Bear Canon No. 6 Mine to Subdistrict 8.

The petitioner filed Exceptions to the Examiner's Report on September 10, 1941.

On October 7, 1941, after a consideration of all the evidence and the record herein, the Director issued his Memorandum Opinion and Order Approving and Adopting the Proposed Findings of Fact and Conclusions of Law of the Examiner and Denying Relief, reserving, however, the question of reclassification of the Bear Canon No. 6 Mine to Subdistrict 8 for disposition in Docket No. A-174.

On November 1, 1941 the petitioner filed a petition for reconsideration, praying that the Order of the Director dated October 7, 1941, be set aside and revoked and that upon review and consideration of the entire proceeding, the Director grant the prayers of the petitioner for relief as requested.

The petition requests reconsideration on the grounds, *inter alia*, that the Examiner and the Director failed to make Findings of Fact within the purview of "section III" of the Act and that the evidence considered and mentioned in the Findings of Fact is not the substantial evidence or the controlling evidence in the record.

The petitioner further states that the Examiner and the Director erred in relying upon a tonnage tabulation submitted by the petitioner on July 19, 1941, "because the petitioner does not rely heavily upon that tabulation nor was it offered at the hearing but was submitted upon request being made at the hearing. * * *". It is true that this tabulation was submitted after the hearing in accordance with request of counsel made at the hearing, but, since the petitioner agreed to furnish the information and subsequently did submit it, the petitioner can hardly disavow the figures contained therein. However, this tabulation was mentioned by the Examiner only as corroborative testimony of the petitioner's own witness, Plested, the general manager, secretary, and treasurer of the petitioner, while the Director analyzed and discussed this tabulation only in the course of considering the petitioner's Exceptions, several of which specifically relied upon said tabulation for support.

The undersigned has again reviewed the entire record in this proceeding and has concluded that no good purpose will be served by further discussion of the evidence. From all the evidence it does not appear that the relief sought by the petitioner is necessary in order to preserve, as nearly as may be, existing fair competitive opportunities within the meaning of the Act. It does appear that the relief requested, if granted, would endanger the existing fair competitive

¹ At the hearing the complaint was amended to show the defendant as "Dominick Cora, doing business as Boyles Coal Company."

² Section 3 of the Act relates solely to the tax imposed upon the sale or other disposal of bituminous coal.

opportunities of other producers in District 17 and competing districts.

I find that the Proposed Findings of Fact and Conclusions of Law based thereon, submitted by the Examiner on August 2, 1941, and approved and adopted as the Findings of Fact and Conclusions of Law of the Director on October 7, 1941, are fully supported by substantial evidence and comply with the requirements of the Act.

Now, therefore, it is ordered, That the petition of the Bear Canon Coal Company for reconsideration of the Memorandum Opinion and Order of the Director entered herein on October 7, 1941, be and it hereby is denied.

Dated: November 19, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8763; Filed, November 24, 1941;
10:05 a. m.]

General Land Office.

AIR NAVIGATION SITE WITHDRAWAL No. 168, ALASKA

It is ordered, Under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U.S.C. 214, that the following-described public lands near Anchorage, Alaska, be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air-navigation facilities:

SEWARD MERIDIAN

T. 13 N., R. 3 W., sec. 28, S $\frac{1}{2}$ NW $\frac{1}{4}$, 80 acres.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

NOVEMBER 5, 1941.

[F. R. Doc. 41-8712; Filed, November 22, 1941;
9:30 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF LOCALITIES IN COUNTIES AND PARISHES IN WHICH LOANS, PURSU- ANT TO TITLE I OF THE BANKHEAD-JONES FARM TENANT ACT, MAY BE MADE

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, loans made in the county and parish hitherto designated, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with provisions of these rules and regulations. There follows a description of the localities and the

determination of value for each of these localities:

Region VI, Arkansas, Independence County. Locality I—Townships of Ashley, Barren, Black River, Cushman, Dota, Gainsboro, Jefferson, Logan, Marshall, Union, Washington, and Wycough, \$1,400. Locality II—Townships of Big Bottom, Christian, Craig, Greenbrier, Magness, McHue, Moorefield, Oil Trough, Rosie, Ruddell, Salado, Vaughan, and White River, \$2,825. Locality III—Townships of Depatee, Fairview, Hill, Huff, Liberty, and Relief, \$1,222.

Region VI, Louisiana, Caldwell Parish. Locality I—Ward Numbers 1, 2, 7, and 8, \$3,461. Locality II—Ward Numbers 3, 4, 5, 6, 9, and 10, \$1,514.

Approved, November 21, 1941.

[SEAL]

C. B. BALDWIN,
Administrator.

[F. R. Doc. 41-8728; Filed, November 22, 1941;
10:47 a. m.]

Rural Electrification Administration.

[General Memorandum No. 55]

AMENDMENT OF PROJECT DESIGNATION

NOVEMBER 10, 1941.

The allocation specified below was made by Executive Order under the Emergency Relief Appropriation Act of 1935. It is now desired to change such allocation designation in accordance with the provisions of the amendment dated August 15, 1941 to General Order No. 84, the loan made to the Wilson County Electric Membership Corporation having been assumed by the Town of Wilson. However, inasmuch as Executive orders cannot be amended by Administrative Order, such allocation should for the purposes of our records be deemed to be changed as specified below:

Project designation and date of Executive order	New project designation
North Carolina 3 Wilson, October 1, 1935.....	North Carolina, 60 Wilson Public (North Carolina 3 Wilson).

The entire amount of \$160,324.43 advanced to the Wilson County Electric Membership Corporation has been assumed by the Town of Wilson.

[SEAL]

HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-8723; Filed, November 22, 1941;
10:45 a. m.]

[Administrative Order No. 636]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 10, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural

Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Florida 2022B1 Escambia.....	\$98,000
Florida 2029B1 Gadsden.....	330,000
Georgia 2074D1 Jefferson.....	185,000
Georgia 2091B2 Laurens.....	181,000
Indiana 2008C1 Wabash.....	28,500
Iowa 2027D1 Buena Vista.....	87,000
Kansas 2026D1 Coffey.....	111,000
Kansas 2037A1 McPherson.....	102,000
Kansas 2040A1 Leavenworth.....	265,000
Kentucky 2050D1 Graves.....	135,000
Kentucky 2055E1 Henderson- Union.....	37,000
Kentucky 2058B2 Floyd.....	65,000
Michigan 2005G2 Lenawee.....	25,000
Nebraska 2071B1 Madison Dis- trict Public.....	317,000
North Carolina 2010C1 Haywood.....	279,000
North Carolina 2039C1 Union.....	92,000
North Dakota 2021A2 Sargent.....	167,000
North Dakota 2022A1 Bottineau.....	200,000
Ohio 2030D1 Marion.....	27,500
South Carolina 2035B2 Abbe- ville.....	140,000
South Dakota 2018A1 Clark.....	200,000
South Dakota 2021A1 Brown.....	160,000
Tennessee 2036A1 Scott.....	230,000
Tennessee 2039A1 Lincoln.....	164,000
Texas 2047D1 Deaf Smith.....	148,000
Texas 2080C1 Collingsworth.....	93,000
Texas 2088B2 Nueces.....	16,000
Texas 2108B1 Swisher.....	104,000
Texas 2119A1 Kimble.....	177,000
Texas 2121GT1 Brazos.....	1,000,000
Texas 2123A2 Baylor.....	108,000
Utah 2006B1 Garfield.....	213,000
Utah 2006C4 Garfield.....	140,000
Virginia 2036B1 Prince George.....	86,000
Virginia 2039A2 Northampton.....	66,000
Washington 2035B1 Pend Oreille.....	115,000
Wisconsin 2058B1 Price.....	26,000
Wisconsin 2063B1 Bayfield.....	43,000
Wyoming 2012C1 Park.....	127,000

[SEAL]

HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-8727; Filed, November 22, 1941;
10:46 a. m.]

[Administrative Order No. 637]

AMENDMENT OF PROJECT DESIGNATION

NOVEMBER 10, 1941.

I hereby amend Administrative Order No. 625, dated October 7, 1941, by changing the project designation appearing therein as "North Carolina 2003B1 Wilson Public" to read "North Carolina 2060A1 Wilson Public."

[SEAL]

HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-8724; Filed, November 22, 1941;
10:45 a. m.]

[Administrative Order No. 638]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 14, 1941.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for

loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Arkansas 2015S2 Woodruff	\$7,000
Colorado 2035S1 Chaffee	10,000
Indiana 2029S3 Fulton	5,000
Kansas 2027S3 Morris	5,000
Missouri 2046S3 Taney	10,000
Ohio 2033S3 Auglaize	10,000
South Carolina 2036S2 Barnwell	5,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-8725; Filed, November 22, 1941;
10:46 a. m.]

[Administrative Order No. 639]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 14, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
New York 2023A1 Chautauqua	\$176,000
New York 2024A1 Oneida	170,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-8726; Filed, November 22, 1941;
10:46 a. m.]

Surplus Marketing Administration.

ORDER TERMINATING THE ORDER REGULATING THE HANDLING OF MILK IN THE DISTRICT OF COLUMBIA MARKETING AREA (ORDER NO. 11)

Pursuant to the powers conferred by Public Act No. 10, 73d Congress, approved May 12, 1933, as amended, and the applicable general regulations issued thereunder, the Secretary of Agriculture issued, on September 17, 1936,¹ effective September 21, 1936, an order regulating the handling of milk in the District of Columbia marketing area (Order No. 11), which order was subsequently amended on November 17, 1936, effective December 1, 1936. The operation of said order was subsequently suspended on February 5, 1937, effective on February 8, 1937.

It is hereby found and determined that Order No. 11 no longer tends to effectuate the declared policy of the act.

It is, therefore, ordered that the order regulating the handling of milk in the District of Columbia marketing area (Order No. 11) be hereby terminated, effective at 12:01 a. m., e. s. t., November 21, 1941.

Issued at Washington, D. C., on this 21st day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 41-8721; Filed, November 22, 1941;
10:45 a. m.]

¹ 1 F. R. 1401.

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F. R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F. R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F. R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F. R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F. R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F. R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F. R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F. R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F. R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F. R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective November 24, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

The following certificates at the rate of 75% of the applicable hourly minimum wage.

Apparel

B & S Manufacturing Company, S. E. Cor. 4th and Cumberland Streets, Philadelphia, Pennsylvania; Boys' Wash Suits; 10 learners (t); November 24, 1942.

Brew-Schneider Company, Inc., 133 West 21st Street, New York, N. Y.; Washable Service Apparel; 10 percent (t); March 9, 1942.

Brown Garment Manufacturing Company, 603 West Markham Street, Little Rock, Arkansas; Pants; 10 percent (t); November 24, 1942.

Buntly Frocks, Inc., 195 Williams Street, Middletown, Connecticut; Dresses; 10 percent (t); November 24, 1942.

Kehr-Edelmann Company, 2200 West Street, Union City, New Jersey; Bandeaux and Brassieres; 10 percent (t); November 24, 1942.

Laros Textiles Company, E. Broad and Wood Streets, Bethlehem, Pennsylvania; Ladies' Woven Underwear; 40 learners (e) April 13, 1942.

Liberty Sport Togs, 40 King Street, Mount Holly, New Jersey; Boys' Wash Suits; 10 learners (e); April 13, 1942.

Manchester Pants Company, Manchester, Maryland; Pants; 10 percent (t); November 24, 1942. (This certificate replaces one issued bearing expiration date of December 23, 1941.)

Miller Brothers, 47 Thames Street, Brooklyn, New York; Children's & Infants' Wear; 10 learners (t); March 9, 1942.

Paramount Manufacturing Company, West Elm and Sterley Street, Shillington, Pennsylvania; Ladies' Silk Undergarments; 20 learners (e); April 13, 1942.

Ralphknee Pants Company, 237 Ralph Avenue, Brooklyn, New York; Boys' Pants-Contracting; 10 learners (e); March 9, 1942.

Tailor Maid Blouses, 127 East 9th Street, Los Angeles, California; Ladies' Blouses; 10 percent (t); October 13, 1942. (This certificate replaces one issued bearing effective date of October 13, 1941.)

White Swan Uniforms, Inc., 21 St. Casimer Avenue, Yonkers, New York; Nurses' Cotton Uniforms, Maids' Cotton Uniforms; 10 percent (t); November 24, 1942.

Wilhoite-Evans and Cohn, Inc., 945 S. Los Angeles Street, Los Angeles, California; Men's Sport Clothing; 10 learners (t); November 24, 1942. (This certificate replaces one issued bearing expiration date of November 17, 1942.)

Gloves

Kaul Glove and Manufacturing Company, 1431 Brooklyn Avenue, Detroit, Michigan; Work Gloves; 5 learners (t); November 24, 1942.

Julius Kayser and Company, 453 DeKalb Avenue, Brooklyn, New York; Knit Fabric Gloves; 5 percent (t); November 24, 1942.

Livermore Falls Glove Company, Livermore, Maine; Work Gloves; 5 learners (t); November 24, 1942.

Martins Ferry Glove Company, Main and 4th Streets, Uhrichsville, Ohio; Work Gloves; 5 learners (t); November 24, 1942. (This certificate replaces one issued to your Martins Ferry Plant, bearing expiration date of January 30, 1942.)

Wells Lamont Smith Corporation, 800 Washington Street, Burlington, Iowa;

Work Gloves and Knit Wool Gloves; 5 percent (t); November 24, 1942.

Wells Lamont Smith Corporation, Beardstown, Illinois; Work Gloves; 5 percent (t); November 24, 1942.

Hosiery

Caldwell Hosiery Mills, Inc., Granite Falls, North Carolina; Seamless Hosiery; 3 learners (t); November 24, 1942.

Carpenter Hosiery Mills, Wytheville, Virginia; Seamless Hosiery; 5 learners (t); November 24, 1942.

Hollar Hosiery Mills, Inc., 12th Street, Hickory, North Carolina; Seamless Hosiery; 10 learners (t); July 24, 1942.

McDonough Hosiery Mills, Inc., Sims Street, McDonough, Georgia; Seamless Hosiery; 5 percent (t); November 24, 1942.

Silver Knit Hosiery Mills, Inc., 401 South Hamilton Street, High Point, North Carolina; Seamless Hosiery; 5 percent (t); November 24, 1942.

Southland Mills, Inc., Gault Avenue, Fort Payne, Alabama; Seamless Hosiery; 5 learners (t); November 24, 1942.

Vestal Mills, Inc., Athens, Tennessee; Seamless Hosiery; 5 learners (t); November 10, 1942.

Whisnant Hosiery Mills, 4th Street, Hickory, North Carolina; Seamless Hosiery; 5 percent (t); November 24, 1942.

Telephone

The Lincoln Telephone & Telegraph Company, 1342 M Street, Lincoln, Nebraska; to employ learners as commercial switchboard operators at its Syracuse Exchange, Syracuse, Nebraska; until November 24, 1942. (t).

Textile

Charlotte Silk Backwinders, 717 East Seventh Street, Charlotte, North Carolina; Processing waste from fabrics; 2 learners (t); November 24, 1942.

Culpeper Textile Mills, Inc., Culpeper, Virginia; Weaving of Silk, Cotton and Rayon; 3 learners (t); November 24, 1942.

General Webbing Corporation, 235 Mill Street, Springfield, Massachusetts; Elastic Webbing; 3 learners (t); November 24, 1942.

The Paris Neckwear Company, Inc., Walnutport, Pennsylvania; Weaving of Men's Tie Fabrics; 3 learners (t); November 24, 1942.

Rosenau, Harris and Company, Ontario and "T" Streets, Philadelphia, Pennsylvania; Rayon and Silk Braid; 3 learners (t); November 24, 1942.

Signed at Washington, D. C., this 24th day of November 1941.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 41-8780; Filed, November 24, 1941; 11:50 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective November 24, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Southern Mills, Inc., Senoia, Georgia; Fibre fabrics woven from twisted paper; 10 learners; 6 weeks for any one learner; 30 cents per hour; Slitter, Twister, Copper Warper, Weaver, Repairer and Finisher; March 2, 1942.

Signed at Washington, D. C., this 24th day of November 1941.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 41-8781; Filed, November 24, 1941; 11:50 a. m.]

[Administrative Order No. 131]

APPOINTMENT OF INDUSTRY COMMITTEE NO. 37 FOR THE CIGAR INDUSTRY

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the cigar industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the Public

Thomas L. Norton, Chairman, Buffalo, New York.

Amy Hewes, South Hadley, Massachusetts.

Leland J. Gordon, Granville, Ohio.
Lawrence Hernandez, Tampa, Florida.
James M. Herring, Philadelphia, Pennsylvania.

For the Employees

John Tisa, Camden, New Jersey.
Elizabeth Tarbutton, Lima, Ohio.
R. E. Van Horn, Washington, D. C.
A. P. Bower, Reading, Pennsylvania.
Manuel Gonzales, Tampa, Florida.

For the Employers

Milton H. Ranck, Lancaster, Pennsylvania.
Alvaro M. Garcia, Tampa, Florida.
Harry Wurman, Philadelphia, Pennsylvania.
L. G. Walton, Dover, Pennsylvania.
Hoyte D. Woodbury, Tampa, Florida.

Such representatives having been appointed with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the term "cigar industry" means the manufacture of cigars, from any types of tobacco; and the preparation or marketing (including wholesaling) of cigar types of leaf tobacco (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture) and the scrap tobacco therefrom for use in the manufacture of cigars and other tobacco products.

(a) The term "cigar" wherever used in this definition comprehends all types of cigars, including cheroots, stogies, and little cigars.

(b) The manufacture of cigars from non-cigar types of leaf tobacco and the scrap tobacco therefrom includes the preliminary processing of such tobacco which is performed in the manufacturing plant as an integral part of the manufacturing operation.

(c) The term "preparation" as used herein includes all operations involved in making cigar leaf tobacco and scrap tobacco therefrom suitable for use in the manufacture of cigars, whether performed by employees of warehousemen, manufacturers, leaf dealers, or others. It includes, but not by way of limitation, the operations of grading, sorting, packing, sweating, fermenting, stemming, and conditioning. It does not include, however, such preliminary processing of cigar types of tobacco or scrap tobacco therefrom as is performed in a manufacturing plant as an integral part of the manufacturing operations attending the production of tobacco products other than cigars, nor does it include operations performed by a farmer or on a farm as an incident to or in conjunction with farming operations.

3. The definition of the cigar industry covers all occupations in the industry which are necessary to the production of

cigars or to the preparation or marketing of cigar types of tobacco and scrap tobacco therefrom, including clerical, maintenance, and selling occupations: *Provided, however*, That this definition does not include employees of an independent wholesaler or manufacturer who are engaged in marketing and distributing the manufactured products of the industry which have been purchased by said wholesaler or manufacturer for resale and who perform no functions other than those relating to marketing and distributing. Where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. The industry committee herein created shall meet in Room 3229, United States Department of Labor Building, Washington, D. C. on December 9, 1941 at 10 A. M. The Committee, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of Section 13 (a) and employees coming under the provisions of Section 14.

Signed at Washington, D. C., this 21 day of November 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-8779; Filed, November 24, 1941;
11:50 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 499, 300]

IN THE MATTER OF THE COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, OVER THE ROUTE BETWEEN SAN FRANCISCO AND HONG KONG, BEING PAID TO PAN AMERICAN AIRWAYS COMPANY (OF NEVADA); AND IN THE MATTER OF THE PETITION OF PAN AMERICAN AIRWAYS COMPANY (OF NEVADA) FOR AN ORDER FIXING AND DETERMINING THE FAIR AND REASONABLE RATES OF COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH, OVER THE ROUTE BETWEEN SAN FRANCISCO, CALIFORNIA, AND AUCKLAND, NEW ZEALAND

NOTICE OF ORAL ARGUMENT

Please take notice that pursuant to the Civil Aeronautics Act of 1938, as

amended, particularly sections 406 and 1001 of said Act, oral argument before the Board in the above-entitled proceeding is hereby assigned for December 3, 1941, 10 a. m. (E. S. T.), in Room 5044 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated Washington, D. C., November 19, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-8736; Filed, November 24, 1941;
9:34 a. m.]

[Docket No. 1-406 (A)-1]

PETITION OF BRANIFF AIRWAYS, INC., FOR AN ORDER FIXING AND DETERMINING FAIR AND REASONABLE RATES OF COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR AND THE SERVICES CONNECTED THEREWITH, OVER ROUTES NOS. 9, 15 AND 50, RESPECTIVELY

NOTICE OF HEARING

Please take notice that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, public hearing in the above-entitled proceeding is hereby assigned for December 2, 1941, 10 a. m. (E. S. T.) in Parlor "E", Willard Hotel, 14th Street and Pennsylvania Avenue NW., Washington, D. C., before Examiner Frank A. Law.

Dated Washington, D. C., November 19, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-8735; Filed, November 24, 1941;
9:34 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6136]

IN RE APPLICATION OF FREQUENCY BROADCASTING CORPORATION (NEW)

AMENDED NOTICE OF HEARING

Application dated October 4, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Borough of Brooklyn, New York, N. Y.; operating assignment specified: frequency, 620 kc.; power, 500 w.; hours of operation, daytime.

Upon further examination of the above described application the Commission has amended the issues on which the hearing will be based, as shown below, and has consolidated the matter with the applications of Yankee Broadcasting Company, Inc., Docket No. 6189;

and Newark Broadcasting Corporation, Docket No. 6190.

1. To determine whether the applicant, its officers, directors, and stockholders are qualified in all respects to construct and operate the proposed station.

2. To determine the type and character of the proposed program service.

3. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Stations WAGE (operating as at present or as proposed in application B3-P-3323), WICC, WIP, and WPRO.

4. To determine the areas and populations which would be deprived of primary service from Stations WICC, WIP, and WPRO as a result of the operation of the proposed station, and what other broadcast service is available to these areas and populations.

5. To determine the areas and populations which would gain primary service from the operation of the proposed station and what other broadcast service is available to these areas and populations.

6. To determine whether the proposed radiating system complies with the Standards of Good Engineering Practice, particularly as to the length of the radials.

7. To determine whether the authorization requested herein is the best available assignment.

8. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934 as amended.

9. To determine whether the proposed station would provide primary service to (a) the business districts, (b) the residential districts, and (c) the metropolitan district of New York and Northeastern New Jersey, as contemplated by the Standards of Good Engineering Practice.

10. To determine whether the granting of this application and the applications of Yankee Broadcasting Company, Inc., Docket No. 6189, and Newark Broadcasting Corporation, Docket No. 6190, or any of them would serve public interest, convenience, or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Frequency Broadcasting Corporation,
1250 Atlantic Avenue, Borough of Brook-
lyn, New York, N. Y.

Dated at Washington, D. C., November
18, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-8715; Filed, November 22, 1941;
10:01 a. m.]

[Docket No. 6189]

IN RE APPLICATION OF YANKEE BROAD-
CASTING COMPANY, INC. (NEW)

NOTICE OF HEARING

Application dated February 6, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, New York, New York. Operating assignment specified: Frequency, 620 kc.; power, 1 kw. (DA-night & day); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of Frequency Broadcasting Corporation, Docket No. 6136; and Newark Broadcasting Corporation, Docket No. 6190, for the following reasons:

1. To determine whether the applicant, its officers, directors, and stockholders are qualified in all respects to construct and operate the proposed station.

2. To determine the type and character of the proposed program service.

3. To determine the extent of any interference which would result from simultaneous operation of the station proposed herein, and Stations WIP, WAGE (operating as at present or as proposed in application B3-P-3323), WICC and WPRO.

4. To determine the areas and populations which would be deprived of primary service from Stations WIP, WAGE (operating as at present or as proposed in application B3-P-3323, WICC and WPRO as a result of the operation of the proposed station, and what other broadcast service is available to these areas and populations.

5. To determine (1) whether the operation of the proposed station at the selected transmitter site would cause any distortion in the directional patterns of Stations WBNX and WINS, and (2) whether the proposed directional pattern could be achieved, particularly in view of the distances between these stations and the aforesaid transmitter site.

6. To determine whether the proposed directional antenna array would afford adequate protection to the service of Station WAGE (operating as at present or as proposed in application B3-P-3323) particularly in view of the distances between said station and the proposed station.

7. To determine the areas and populations which would gain primary service from the operation of the proposed station and what other broadcast service is available to these areas and populations.

8. To determine whether the authorization requested herein is the best available assignment.

9. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of the proposed station.

10. To determine whether the proposed station would provide primary service to (a) the business districts, (b) the residential districts, and (c) the metropolitan district of New York-Northeastern New Jersey, as contemplated by the Standards of Good Engineering Practice.

11. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

12. To determine whether the granting of this application and the applications of Newark Broadcasting Corporation, Docket No. 6190, and Frequency Broadcasting Corporation, Docket No. 6136, or any of them, would serve public interest, convenience, or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of §1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of §1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Yankee Broadcasting Company, Inc.,
Att: Joseph B. Mariani, 206 Spring
Street, New York, N. Y.

Dated at Washington, D. C., November
18, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-8716; Filed, November 22, 1941;
10:01 a. m.]

[Docket No. 6190]

IN RE APPLICATION OF NEWARK BROAD-
CASTING CORPORATION (NEW)

NOTICE OF HEARING

Application dated July 14, 1941, for construction permit; class of service, broadcast; class of station, broadcast;

location, Newark, N. J. Operating assignment specified: Frequency, 620 kc.; power, 5 kw. (DA-day & night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing to be consolidated with the applications of Yankee Broadcasting Company, Inc., Docket No. 6189, and Frequency Broadcasting Corporation, Docket No. 6136, for the following reasons:

1. To determine whether the applicant, its officers, directors, and stockholders are qualified in all respects to construct and operate the proposed station.

2. To determine the type and character of the proposed program service.

3. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Stations WIP, WICC, WAGE (operating as at present or as proposed in application B3-P-3323), and WPRO.

4. To determine the areas and populations which would be deprived of primary service, particularly from stations WIP, WICC, and WPRO as a result of the operation of the station proposed herein and what other broadcast service is available to these areas and populations.

5. To determine whether the proposed antenna array would afford adequate protection to the primary service areas of Stations WAGE (operating as at present or as proposed in application B3-P-3323), WCAX, and WLBZ in view of the distances between said stations and the proposed station.

6. To determine whether the proposed station would provide interference-free primary service to (a) the business districts, (b) the residential districts, and (c) the metropolitan district of New York-Northeastern New Jersey, as contemplated by the Standards of Good Engineering Practice.

7. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of the proposed station.

8. To determine whether the authorization requested herein is the best available assignment.

9. To determine the areas and populations which would gain primary service from the operation of the proposed station and what other broadcast service is available to these areas and populations.

10. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

11. To determine whether public interest, convenience, and necessity will be served by the granting of this application and the applications of Yankee Broadcasting Company, Inc., Docket No. 6189,

and Frequency Broadcasting Corporation, Docket No. 6136, or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Newark Broadcasting Corporation, 744 Broad Street, Newark, New Jersey.

Dated at Washington, D. C., November 18, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-8717; Filed, November 22, 1941;
10:02 a. m.]

[Docket No. 6013]

IN RE APPLICATION OF WBNX BROADCASTING CO., INC. (NEW)

NOTICE OF HEARING

Application dated December 17, 1940, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, New York, N. Y., operating assignment specified: Frequency, 48,300 kcs.; coverage, 8,730 square miles; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of News Syndicate Company, Inc., Docket No. 6175; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179; Wodaam Corporation, Docket No. 6180; and Mercer Broadcasting Company, Docket No. 6181, for the following reasons:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of the application and the applications of News Syndicate Company, Inc., Docket No. 6175; FM Radio Broadcasting Company, Inc., Docket No. 6176;

No. 228—5

Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179; Wodaam Corporation, Docket No. 6180; and Mercer Broadcasting Company, Docket No. 6181 (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity.

4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

WBNX Broadcasting Co., Inc., W. C. Alcorn, Vice President, 260 East 161st Street, New York, N. Y.

Dated at Washington, D. C., November 21, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-8741; Filed, November 24, 1941;
9:43 a. m.]

[Docket No. 6175]

IN RE APPLICATION OF NEWS SYNDICATE CO., INC. (NEW)

NOTICE OF HEARING

Application dated January 24, 1941, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, New York, N. Y.; operating assignment specified: Frequency, 47,900 kcs.; coverage, 8,500 square miles; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of WBNX Broadcasting Company, Inc., Docket No. 6013; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Co., Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket

No. 6178; Greater New York Broadcasting Corp., Docket No. 6179; Wodaam Corporation, Docket No. 6180; and Mercer Broadcasting Company, Docket No. 6181, for the following reasons:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179; Wodaam Corporation, Docket No. 6180; WBNX Broadcasting Company, Inc., Docket No. 6013; and Mercer Broadcasting Company, Docket No. 6181 (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity.

4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

News Syndicate Co. Inc., Att: Roy C. Holliss, 220 East 42d St., New York, N. Y.

Dated at Washington, D. C., November 21, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-8742; Filed, November 24, 1941;
9:43 a. m.]

[Docket No. 6176]

IN RE APPLICATION OF FM RADIO BROADCASTING COMPANY, INC., (NEW)

NOTICE OF HEARING

Application dated December 10, 1940, for construction permit; class of service, high frequency broadcast; class of sta-

tion, high frequency broadcast; location, New York, N. Y.; operating assignment specified: Frequency, 48,300 kcs.; coverage, 8,600 sq. mi.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of WBNX Broadcasting Company, Inc., Docket No. 6013; News Syndicate Co., Inc., Docket No. 6175; Knickerbocker Broadcasting Co., Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corp., Docket No. 6179; Wodaam Corporation, Docket No. 6180; and Mercer Broadcasting Company, Docket No. 6181, for the following reasons:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of News Syndicate Company, Inc., Docket No. 6175; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179; Wodaam Corporation, Docket No. 6180; WBNX Broadcasting Company, Inc., Docket No. 6013; and Mercer Broadcasting Company, Docket No. 6181 (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity.

4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

FM Radio Broadcasting Company, Inc.,
% P. K. Leberman, 400 Madison Avenue,
New York, N. Y.

Dated at Washington, D. C., November 21, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-8743; Filed, November 24, 1941;
9:43 a. m.]

[Docket No. 6177]

IN RE APPLICATION OF KNICKERBOCKER
BROADCASTING CO., INC. (NEW)

NOTICE OF HEARING

Application dated January 31, 1941, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, New York, N. Y.; operating assignment specified: frequency, 48,300 kcs.; coverage, 8,550 sq. mi.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of WBNX Broadcasting Company, Inc., Docket No. 6013; News Syndicate Co., Inc., Docket No. 6175; FM Radio Broadcasting Company, Inc., Docket No. 6176; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corp., Docket No. 6179; Wodaam Corporation, Docket No. 6180; Mercer Broadcasting Company, Docket No. 6181, for the following reasons:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of FM Radio Broadcasting Company, Inc., Docket No. 6176; News Syndicate Company, Inc., Docket No. 6175; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179; Wodaam Corporation, Docket No. 6180; WBNX Broadcasting Company, Inc., Docket No. 6013; and Mercer Broadcasting Company, Docket No. 6181 (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity.

4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300, and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of

a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Knickerbocker Broadcasting Co., Inc.
Attention: C. S. Guthrie, Secretary,
1657 Broadway, New York, New York.

Dated at Washington, D. C., November 21, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-8744; Filed, November 24, 1941;
9:43 a. m.]

[Docket No. 6178]

IN RE APPLICATION OF DEBS MEMORIAL
RADIO FUND, INC. (NEW)

NOTICE OF HEARING

Application dated April 24, 1941, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, New York, N. Y.; operating assignment specified: Frequency, 48,700 kcs.; coverage, 8,600 sq. mi.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of WBNX Broadcasting Company, Inc., Docket No. 6013; News Syndicate Co., Inc., Docket No. 6175; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Co., Inc., Docket No. 6177; Greater New York Broadcasting Corp., Docket No. 6179; Wodaam Corporation, Docket No. 6180; and Mercer Broadcasting Company, Docket No. 6181, for the following reasons:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of News Syndicate Company, Inc., Docket No. 6175; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Greater New York Broadcasting Corporation, Docket No. 6179; Wodaam Corporation, Docket No. 6180; WBNX Broadcasting Company, Inc., Docket No. 6013; and Mercer Broad-

casting Company, Docket No. 6181 (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity.

4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Debs Memorial Radio Fund, Inc., 117 West 46th Street, New York, N. Y.

Dated at Washington, D. C., November 21, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-8745; Filed, November 24, 1941;
9:44 a. m.]

[Docket No. 6179]

IN RE APPLICATION OF GREATER NEW YORK
BROADCASTING CORP. (NEW)

NOTICE OF HEARING

Application dated February 24, 1941, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, New York, New York; operating assignment specified: Frequency, 48,700 kcs.; coverage, 8,500 square miles; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of WBNX Broadcasting Company, Inc., Docket No. 6013, News Syndicate Co., Inc., Docket No. 6175, FM Radio Broadcasting Company, Inc., Docket No. 6176, Knickerbocker Broadcasting Co., Inc., Docket No. 6177, Debs Memorial Radio Fund, Inc., Docket No. 6178, Wodaam Corporation, Docket No. 6180, Mercer Broadcasting Company, Docket No. 6181, for the following reasons:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; News Syndicate Company, Inc., Docket No. 6175; Wodaam Corporation, Docket No. 6180; WBNX Broadcasting Company, Inc., Docket No. 6013; and Mercer Broadcasting Company, Docket No. 6181 (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity.

4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Greater New York Broadcasting Corp., Attention: Harold A. Lafount, 730 Fifth Avenue, New York, New York.

Dated at Washington, D. C., November 21, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-8746; Filed, November 24, 1941;
9:44 a. m.]

[Docket No. 6180]

IN RE APPLICATION OF WODAAM CORPORATION (NEW)

NOTICE OF HEARING

Application dated November 11, 1940, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, New York, New York; operating assignment specified: Frequency, 46,700 kcs.; coverage, 8,500 square miles; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above de-

scribed application and has designated the matter for hearing, to be consolidated with the applications of WBNX Broadcasting Company, Inc., Docket No. 6013, News Syndicate Co., Inc., Docket No. 6175, FM Radio Broadcasting Company, Inc., Docket No. 6176, Knickerbocker Broadcasting Co., Inc., Docket No. 6177, Debs Memorial Radio Fund, Inc., Docket No. 6178, Greater New York Broadcasting Corp., Docket No. 6179, Mercer Broadcasting Company, Docket No. 6181, for the following reasons:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of News Syndicate Company, Inc., Docket No. 6175; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179; WBNX Broadcasting Company, Inc., Docket No. 6013; and Mercer Broadcasting Company, Docket No. 6181 (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity.

4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Wodaam Corporation, Attention: Bernice Judis, 501 Madison Avenue, New York, New York.

Dated at Washington, D. C., November 21, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-8747; Filed, November 24, 1941;
9:44 a. m.]

[Docket No. 6181]

IN RE APPLICATION OF MERCER BROADCASTING COMPANY (NEW)

NOTICE OF HEARING

Application dated November 22, 1940, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, Ewing Twp., New Jersey; operating assignment specified: Frequency, 44,700 kcs.; coverage, 3,200 sq. mi.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of WBNX Broadcasting Company, Inc., Docket No. 6013; News Syndicate Co., Inc., Docket No. 6175; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Co., Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corp., Docket No. 6179; Wodaam Corporation, Docket No. 6180, for the following reasons:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.
2. To determine the type and character of the proposed service, both program and technical.
3. To determine whether the granting of this application and the applications of News Syndicate Company, Inc., Docket No. 6175; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179; Wodaam Corporation, Docket No. 6180; and WBNX Broadcasting Company, Inc., Docket No. 6013, would serve public interest, convenience and necessity.
4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102

of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Mercer Broadcasting Company, Attention: Thomas L. Kerney, 10 S. Stockton St., Trenton, New Jersey.

Dated at Washington, D. C., November 21, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-8748; Filed, November 24, 1941;
9:44 a. m.]

[Docket No. 6182]

IN RE APPLICATION OF FREQUENCY BROADCASTING CORPORATION (NEW)

NOTICE OF HEARING

Application dated October 4, 1940, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, Brooklyn, N. Y.; operating assignment specified: Frequency, 45,900 kcs.; coverage, 8,500 sq. mi.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.
2. To determine the type and character of the proposed service, both program and technical.
3. To determine whether the granting of this application and the operation of the station herein proposed, using the frequency 45,900 kilocycles, would serve public interest, convenience and necessity better than the operation of the station proposed by permittee, Interstate Broadcasting Company, as authorized in the grant of June 17, 1941, of application B1-PH-109.
4. To determine whether the granting of this application and the applications of News Syndicate Company, Inc., Docket No. 6175; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179; Wodaam Corporation, Docket No. 6180; FM Radio Broadcasting Company, Docket No. 6176; WBNX Broadcasting Company, Inc., Docket No. 6013; and Mercer Broadcasting Company, Docket No. 6181, or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Frequency Broadcasting Corporation, 1250 Atlantic Avenue, Brooklyn, New York.

Dated at Washington, D. C., November 21, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-8749; Filed, November 24, 1941;
9:44 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5747]

IN THE MATTER OF CENTRAL U. S. UTILITIES COMPANY

NOTICE OF APPLICATION

NOVEMBER 19, 1941.

Notice is hereby given that on November 19, 1941, an application was filed with the Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by Central U. S. Utilities Company, a corporation organized under the laws of the State of Delaware with its principal business office in Wilmington, Delaware, seeking an order authorizing the transfer and sale to Central U. S. Utilities Company of all of the facilities and assets of its wholly-owned subsidiary, Ohio River Power Company, a corporation organized under the laws of the State of Indiana, with its post-office address in Tell City, Indiana, comprising the water production and distribution systems and the electric generation systems and distribution systems located in the cities of Cannelton, Indiana, and Tell City, Indiana, and environs; and the subsequent sale and transfer of the said facilities to the Cities of Cannelton, Indiana and Tell City, Indiana by Central U. S. Utilities Company for a consideration stated in the application to be \$600,000; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 27th day of November 1941, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-8782; Filed, November 24, 1941;
12:02 p. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4555]

IN THE MATTER OF FELDER BROTHERS, INC., A CORPORATION, AND ABRAHAM FELDER, DAVID FELDER, AND LOUIS FELDER, INDIVIDUALLY, AND AS OFFICERS OF FELDER BROTHERS, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of November, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A. section 41).

It is ordered, That John W. Addison, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, December 15, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8731; Filed, November 22, 1941; 11:29 a. m.]

[Docket No. 4604]

IN THE MATTER OF ALFRED KOHLBERG, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of November, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That John W. Addison, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, December 18, 1941, at ten

o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8732; Filed, November 22, 1941; 11:29 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 4-21 and 37-7]

IN THE MATTER OF NEW ENGLAND POWER SERVICE COMPANY, NEW ENGLAND POWER ASSOCIATION, BELLOWS FALLS HYDRO-ELECTRIC CORPORATION, AND GREEN MOUNTAIN POWER CORPORATION

ORDER CONTINUING PREVIOUS AUTHORIZATION IN EFFECT

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of November, A. D. 1941.

The Commission having by its order of the 31st day of July 1936 permitted a declaration to become effective with respect to New England Power Service Company as a subsidiary service company in the New England Power Association holding-company system, pursuant to Section 13 of the Public Utility Holding Company Act of 1935; and

The Public Service Commission of the State of Vermont having on the 29th day of July 1940 requested this Commission to investigate the service contract in force between New England Power Service Company and Bellows Falls Hydro-Electric Corporation and between New England Power Service Company and Green Mountain Power Corporation, for the purpose of determining the necessity of the services rendered and the equitableness of the charges for such services; and

Pursuant to said request of the Public Service Commission of the State of Vermont, this Commission having on the 6th day of August 1940 initiated proceedings pursuant to Sections 13 and 18 of said Act, in connection with which proceedings public hearings were held; and

The Public Utilities Division of the Commission having thereafter filed its report with respect to said proceedings, the Commission having on the 22nd day of May 1941 issued its order to show cause why its order of July 31, 1936 should not be rescinded, New England Power Service Company having filed its answer and supplement thereto, and New England Power Service Company having filed an amended declaration setting forth a re-

organization of its methods of doing business, and further public hearings having been held thereon; and

The Commission having considered the record herein, and having found that the authorization heretofore granted New England Power Service Company should be continued in effect as to the reorganized company, and having made and filed its Findings and Opinion herein:

It is ordered, That the authorization heretofore granted New England Power Service Company on the 31st day of July 1936 be and same hereby is continued in effect as to the reorganized company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8734; Filed, November 22, 1941; 11:43 a. m.]

[File No. 1-1800]

IN THE MATTER OF PROCEEDING TO DETERMINE WHETHER THE REGISTRATION OF MAYFLOWER-OLD COLONY COPPER COMPANY CAPITAL STOCK, \$25 PAR VALUE, SHOULD BE SUSPENDED OR WITHDRAWN

FINDINGS AND ORDER OF THE COMMISSION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of November, A. D. 1941.

Appearances: Gerard F. Treanor, for the Registration Division of the Commission; Robert W. Cornell, for the registrant; Henry E. Tracy, for the Boston Stock Exchange.

The Mayflower-Old Colony Copper Company, a corporation organized under the laws of the State of Michigan, has its capital stock, \$25 par value, listed and registered on the Boston Stock Exchange, a national securities exchange. These shares were effectively registered under the Securities Exchange Act of 1934 on July 13, 1935.¹

On September 4, 1941, the Commission instituted this proceeding, pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding 12 months, or to withdraw, the registration and listing of registrant's capital stock. The order instituting the proceeding set forth as the issues to be determined at the hearing:

(1) Whether the registrant has failed to comply with section 13 (a) of the Act and the Commission's rules thereunder in failing to file its annual report for the fiscal year ended December 31, 1940; and

(2) If so, whether it is necessary or appropriate for the protection of investors to suspend, or to withdraw, the registration of its capital stock.

¹ The volume of trading in the stock from January 1, 1938, through September 17, 1941, was as follows: 1938, 3,000 shares; 1939, 820 shares; 1940, 600 shares; 1941 (through September 17), 100 shares.

After appropriate notice to the registrant, the Boston Stock Exchange, and the public, a hearing was held before a trial examiner in Boston, Massachusetts. The trial examiner filed an advisory report in which he found that, in contravention of section 13 (a) of the Act and the Commission's rules thereunder, the registrant failed to file its annual report for the fiscal year ended December 31, 1940.² No exceptions to the trial examiner's report have been filed, and no objection to the withdrawal of listing and registration has been made either by the registrant or the Boston Stock Exchange. Upon an independent review of the record, we adopt the aforementioned finding of the trial examiner as being in accord with the record.

We find that the registrant has failed to comply with the statute and the rules thereunder in the respects noted above, and that it is necessary and appropriate for the protection of investors that the listing be withdrawn. Cf. *North European Oil Corporation*, 9 S. E. C. ---- (1941), Securities Exchange Act Release No. 2987; *Lehi Tintic Mining Company*, 10 S. E. C. ---- (1941), Securities Exchange Act Release No. 3049; *Gnome Gold Mining Company*, 10 S. E. C. ---- (1941), Securities Exchange Act Release No. 3066.

Accordingly, *It is ordered*, That the listing and registration of the capital stock, \$25 par value, of the Mayflower-Old Colony Copper Company on the Boston Stock Exchange, a national securities exchange, be and it hereby is withdrawn.

By the Commission (Chairman Eicher, Commissioners Healy, Pike, and Burke), Commissioner Purcell being absent and not participating.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8733; Filed, November 22, 1941;
11:43 a. m.]

[File No. 59-32]

IN THE MATTER OF DENIS J. DRISCOLL AND
WILLARD L. THORP, AS TRUSTEES OF AS-
SOCIATED GAS AND ELECTRIC CORPORA-
TION, RESPONDENTS

ORDER POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission held at its

² Under Rule X-13A-1 the registrant is required to file its annual reports not more than 120 days after the close of its fiscal year. At the request of the registrant, the Commission granted an extension of time to May 15, 1941, within which registrant might file its annual report for the fiscal year ended December 31, 1940; a further extension of 15 days was granted by the Commission upon the renewed request of the registrant. However, the extensions of time requested by the registrant have expired, and no annual report for the fiscal year ended December 31, 1940, has been filed.

In a letter to the Commission the registrant stated that its directors had voted to request the Commission to withdraw its registration on the Boston Stock Exchange, "as the company has not the necessary funds to pay for an audit, and file a report, as required by the Acts cited above."

office in the City of Washington, D. C., on the 22nd day of November, A. D. 1941.

The Commission having, on September 4, 1941, issued its Notice of and Order for Hearing, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, in the above-entitled matter; said order having required that respondents file their answer herein on or before October 17, 1941, and having set the date for the hearing herein on October 28, 1941; and said order having further provided that any person proposing to intervene in said proceedings file his request or application therefor on or before October 17, 1941;

The Commission having, by orders entered October 17, 1941 and November 3, 1941, extended the times within which respondents shall file their answer and within which requests or applications for intervention shall be made, and having postponed the date of the hearing; and

Respondents having filed their answer in the above-entitled matter, and Stanley Clarke, as Trustee of Associated Gas and Electric Company, having filed an application to intervene in these proceedings and the Commission having ordered that the application to intervene be granted and that Stanley Clarke, as Trustee of Associated Gas and Electric Company, be admitted as a party in said proceedings and be heard as to all matters affecting his interest; and

Respondents and said Stanley Clarke, as Trustee of Associated Gas and Electric Company, having joined in an application for the postponement of the date of the hearing herein until December 2, 1941; and the Commission being of the opinion that said request may be appropriately granted;

It is ordered, That the date of the hearing in this matter be and is hereby postponed to December 2, 1941, at 10 o'clock, a. m., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., in such room as may be designated on said day by the hearing-room clerk in room 1102, before the officer or the Commission previously designated herein; and

It is further ordered, That the Secretary of this Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to the respondents and to said Stanley Clarke, as Trustee of Associated Gas and Electric Company, and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8772; Filed, November 24, 1941;
11:47 a. m.]

[File No. 70-439]

IN THE MATTER OF THE KANSAS POWER
COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Washington, D. C., on the 24th day of November, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than December 10, 1941 at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The Kansas Power Company, a subsidiary of John E. Dwyer, Trustee of Inland Power & Light Corporation, a registered holding company, proposes to reduce, effective October 20, 1941, from 3½% to 2¾%, the interest rate on \$360,195.46 of unsecured notes of the Company due serially January 20, 1942-July 20, 1945, owing to the Continental Illinois National Bank and Trust Company of Chicago and the City National Bank and Trust Company of Chicago. The reduction in interest rate has been agreed to by the banks in consideration of the payment by the Company of \$77,608.42 principal amount of unsecured notes maturing January 20, 1946, and July 20, 1946, which maturities were paid by the Company on or about October 9, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8773; Filed, November 24, 1941;
11:47 a. m.]

[Files No. 70-438, 70-422]

IN THE MATTER OF COLUMBIA GAS &
ELECTRIC CORPORATION AND COLUMBIA
OIL & GASOLINE CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of November, A. D. 1941.

Notice is hereby given that declarations or applications (or both), have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than November 29, 1941 at 1:15 P. M., E. S. T., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declarations or applications, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declarations or applications, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Columbia Gas & Electric Corporation, a registered holding company and subsidiary of The United Corporation, also a registered holding company, proposes to dispose of, and Columbia Oil & Gasoline Corporation, a subsidiary of Columbia Gas & Electric Corporation, proposes to acquire \$300,000 face amount of the subsidiary's debentures held by the parent, for \$312,000 in cash plus accrued interest, such amount being the redemption price specified in the indenture securing such debentures; the debentures so acquired to be tendered to the Trustee under the indenture in lieu of the semi-annual cash sinking fund required under the provisions of said indenture.

Sections 9, 10, 12 (c) and 12 (f) of the Act and Rules U-42 and U-43 of the Rules and Regulations of the Commission issued thereunder have been designated as applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8774; Filed, November 24, 1941;
11:47 a. m.]

[File No. 70-440]

IN THE MATTERS OF COLUMBIA GAS & ELECTRIC CORPORATION, THE MANUFACTURERS LIGHT AND HEAT COMPANY AND PENNSYLVANIA FUEL SUPPLY COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of November, A. D. 1941.

Notice is hereby given that declarations or applications (or both), have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than December 6, 1941 at 1:15 P. M., E. S. T., request the Commission in writing that a hearing be held on such matters, stating the rea-

sons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declarations or applications, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declarations or applications, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Columbia Gas & Electric Corporation, a registered holding company and subsidiary of The United Corporation, also a registered holding company, proposes to sell and The Manufacturers Light and Heat Company, and Pennsylvania Fuel Supply Company, subsidiaries of Columbia Gas & Electric Corporation, propose to acquire, at their principal amount plus accrued interest, \$400,000 and \$100,000 principal amount, respectively, of 3% Eleven Months' Notes of the two latter subsidiaries.

Sections 12 (c) and 12 (d) of the Act and Rules U-42 and U-43 promulgated thereunder have been designated as being applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8775; Filed, November 24, 1941;
11:47 a. m.]

[File Nos. 59-30 and 70-427]

IN THE MATTER OF ASSOCIATED GAS AND ELECTRIC COMPANY AND STANLEY CLARKE, TRUSTEE THEREOF, IN HIS CAPACITY AS SUCH; ASSOCIATED GAS AND ELECTRIC CORPORATION AND WILLARD L. THORP AND DENIS J. DRISCOLL, TRUSTEES THEREOF, IN THEIR CAPACITY AS SUCH; GENERAL GAS & ELECTRIC CORPORATION, SOUTHEASTERN ELECTRIC AND GAS COMPANY; VIRGINIA PUBLIC SERVICE COMPANY; RESPONDENTS-APPLICANTS

ORDER GRANTING THE RIGHT TO INTERVENE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of November, A. D. 1941.

Written application for leave to intervene herein pursuant to Rule XVII of the Rules of Practice of the Securities and Exchange Commission having been filed on behalf of the City of Alexandria, Virginia by Armistead L. Boothe, Esquire, its duly elected City Attorney;

It is ordered, Pursuant to the provisions of Section 19 of the Public Utility Holding Company Act of 1935 that said petition be, and hereby is, granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8776; Filed, November 24, 1941;
11:48 a. m.]

IN THE MATTER OF NORTH COUNTRY SECURITIES CORPORATION 328-34 WOOLWORTH BUILDING, WATERTOWN, NEW YORK

FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of November, A. D. 1941.

Appearances: Eugene M. Kline, of the New York Regional Office, for the Trading and Exchange Division of the Commission.

The respondent, North Country Securities Corporation, is registered with this Commission as an over-the-counter broker and dealer pursuant to Section 15 of the Securities Exchange Act of 1934. This proceeding was instituted under section 15 (b) of that Act to determine whether the registrant is permanently enjoined by order of the Supreme Court of the State of New York from engaging in certain acts and practices involving the purchase and sale of securities; and, if so, whether it is in the public interest to suspend or revoke its registration as an over-the-counter broker and dealer. Pursuant to an order of the Commission dated October 1, 1941, and notice duly served upon the registrant, the hearing in this matter was held before a trial examiner in New York City on October 21, 1941. The registrant failed to appear at the hearing.

The record shows, and we find, that by a decree entered on July 2, 1941, the Supreme Court of the State of New York in and for the County of Onondaga permanently enjoined the registrant from engaging in the securities business in the State of New York and appointed a permanent receiver to take over its property and assets. It further appears that this decree was entered with the consent of the registrant upon a complaint charging that registrant had "engaged in practices relating to the purchase and sale of securities which are fraudulent and * * * operated as a fraud upon their customers and the public generally," and had in other ways violated the laws of the State of New York. Upon the basis of the record before us, we find that it is in the public interest to revoke the registration of North Country Securities Corporation.

It is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of North Country Securities Corporation be, and it hereby is, revoked.

By the Commission (Chairman Eicher, Commissioners Healy, Pike, Purcell, and Burke).

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8777; Filed, November 24, 1941;
11:48 a. m.]

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